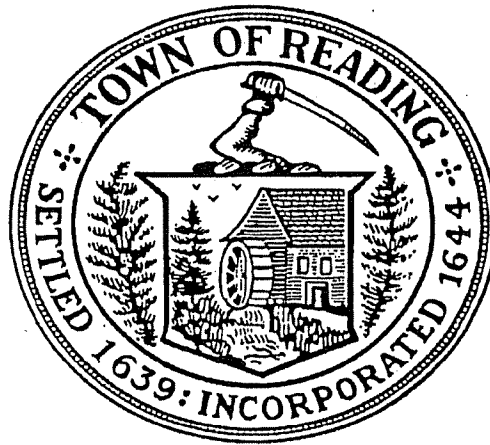


**Town of
Reading
Massachusetts**



**Report on the Warrant
Subsequent Town Meeting
November 14, 2011**

COMMONWEALTH OF MASSACHUSETTS

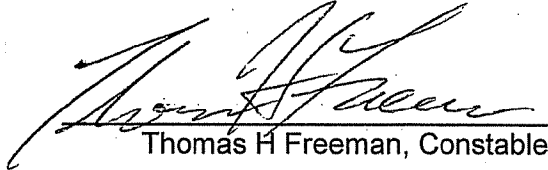
Middlesex, ss. Officer's Return, Reading:

By virtue of this Warrant, I, on September 28, 2011 notified and warned the inhabitants of the Town of Reading, qualified to vote on Town affairs, to meet at the place and at the time specified by posting attested copies of this Town Meeting Warrant in the following public places within the Town of Reading:

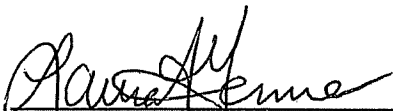
Precinct 1	J. Warren Killam School, 333 Charles Street
Precinct 2	Peter Sanborn Place, 50 Bay State Road
Precinct 3	Reading Police Station, 15 Union Street
Precinct 4	Joshua Eaton School, 365 Summer Avenue
Precinct 5	Town Hall, 16 Lowell Street
Precinct 6	Austin Preparatory School, 101 Willow Street
Precinct 7	Reading Library, Local History Room, 64 Middlesex Avenue
Precinct 8	Wood End School, 85 Sunset Rock Lane

The date of posting being not less than fourteen (14) days prior to November 14, 2011, the date set for Town Meeting in this Warrant.

I also caused a posting of this Warrant to be published on the Town of Reading website on September 28, 2011.


Thomas H Freeman, Constable

A true copy Attest:


Laura Gemme, Town Clerk

**TOWN WARRANT
(SEAL)
COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

To any of the Constables of the Town of Reading, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Reading, qualified to vote in elections and Town affairs, to meet at the Reading Memorial High School Auditorium, 62 Oakland Road, in said Reading, on Monday, November 14, 2011, at seven-thirty o'clock in the evening, at which time and place the following articles are to be acted upon and determined exclusively by Town Meeting Members in accordance with the provisions of the Reading Home Rule Charter

ARTICLE 1 To hear and act on the reports of the Board of Selectmen, Town Accountant, Treasurer-Collector, Board of Assessors, Director of Public Works, Town Clerk, Tree Warden, Board of Health, School Committee, Contributory Retirement Board, Library Trustees, Municipal Light Board, Finance Committee, Cemetery Trustees, Community Planning & Development Commission, Town Manager and any other Official, Board or Special Committee.

Board of Selectmen

Background: This Article appears on the Warrant for all Town Meetings. At this Subsequent Town meeting, the following report(s) are anticipated:

- ◆ State of the Schools – Superintendent of Schools
- ◆ RMLD Annual Report – General Manager
- ◆ Status of previous Instructional Motions

Finance Committee Report: No report.

Bylaw Committee Report: No report.

ARTICLE 2 To choose all other necessary Town Officers and Special Committees and determine what instructions shall be given Town Officers and Special Committees, and to see what sum the Town will vote to appropriate by borrowing or transfer from available funds, or otherwise, for the purpose of funding Town Officers and Special Committees to carry out the instructions given to them, or take any other action with respect thereto.

Board of Selectmen

Background: This Article appears on the Warrant of all Town Meetings. There are no known Instructional Motions at this time. The Town Moderator requires that all proposed Instructional Motions be submitted to the Town Clerk in advance so that Town Meeting Members may be "warned" as to the subject of an Instructional Motion in advance of the motion being made. Instructional Motions are normally held until the end of all other business at Town Meeting.

Finance Committee Report: No report.

Bylaw Committee Report: No report.

ARTICLE 3 To see if the Town will vote to amend the FY 2012 - FY 2021 Capital Improvements Program as provided for in Section 7-7 of the Reading Home Rule Charter and as previously amended, or take any other action with respect thereto.

Board of Selectmen

Background: The following amendments are proposed to the FY 2012 – FY 2021 Capital Improvements Program (CIP). These amendments need to be included in the CIP in order for Town Meeting to consider funding them under the various Articles at Town Meeting. The full revised CIP is included in the blue pages in the back of this report.

The following are proposed modifications to the CIP approved at the Annual Town Meeting in April 2011:

General Fund

FY12 add new item outside tax levy:

- ♦ Library renovation & expansion project as debt exclusion;

FY12 add new or increase items (+\$341,000):

- ♦ School building study \$50,000;
- ♦ \$10,000 for Dispatch technology;
- ♦ Pedestrian Improvements up from \$25,000 to \$75,000;
- ♦ local share of road improvements up from \$400,000 to \$631,000;

FY12 items moved from other years (+\$79,500):

\$24,000 carpet/flooring for Birch Meadow (from FY13);

\$55,500 to complete West Street design (from FY13).

FY12 total is +\$420,500 inside the tax levy: \$55,500 (Article 4) and \$365,000 (Article 5).

FY13 add new item outside tax levy:

- ♦ Killam renovation project as debt exclusion {ADA issues, Main Office reconfiguration, Window replacements, fire sprinkler replacement and Gym floor};

FY13 add new items (+\$422,000):

- ♦ School modular space \$400,000;
- ♦ \$12,000 for HVAC/energy at Parker for new exhaust fans;
- ♦ \$10,000 for DPW street sign replacements;

FY13 changed items (-\$256,350):

Remove:

- ♦ \$79,500 items mentioned in FY12 are removed from FY13
- ♦ \$15,000 Main fire station windows & doors (completed)
- ♦ \$20,000 Town Hall windows and doors (completed);
- ♦ Parker lockers \$12,000;

Move the following items to FY14

- ♦ \$10,000 Police station doors,
- ♦ \$10,000 Police station carpet/flooring,
- ♦ \$10,000 Birch Meadow lockers & cubbies,
- ♦ \$25,000 Joshua Eaton tile floor replacements;

Move the following items to FY15:

- ◆ \$35,000 Main Fire station boiler replacement,
- ◆ \$30,000 West Side Fire station generator,
- ◆ \$10,000 Town Hall ceiling repairs, \$24,000 Killam tile floor replacements,
- ◆ \$10,000 Coolidge tile floor replacements};

Change

- ◆ \$20,000 vehicle replacement to \$42,000 for Schools {replace 1999 pickup truck};
- ◆ decrease school technology for large-scale projects from \$100,000 to \$75,000;
- ◆ change \$120,000 DPW snow holder #1 to two smaller snow blowers for \$78,000 and \$66,750;
- ◆ increase DPW 1996 dump truck from \$60,000 to \$63,000;
- ◆ increase Leaf Vac from \$20,000 to \$28,000;
- ◆ increase cemetery mower from \$15,600 to \$17,000;

FY14-FY21:

- ◆ Various items were added, subtracted, changed or moved to different years.

Enterprise Funds – Storm Water

FY13

- ◆ 1985 Excavator moved up from FY16 to FY13, and cost increased from \$58,500 to \$65,000;

FY14

- ◆ Saugus River Design& Permitting \$150,000 previously included as part of entire project debt in FY14;

FY15

- ◆ Aberjona River Design & Permitting \$150,000 previously included as part of entire project debt (FY18);

FY18

- ◆ Saugus & Aberjona River projects scheduled to begin funded by debt;

FY13 to FY18

- ◆ Specific drainage projects funding is adjusted to accommodate the changes above and result in a relatively level amount of capital for the next five years.

Enterprise Funds – Sewer

FY19 (-\$250,000)

- ◆ Start of next Meter Replacement program pushed out to 2020

Enterprise Funds – Water

FY12 (+\$250,000)

- ◆ Move Howard Street from County Road to Summer Avenue water main (+\$186,000) up to FY12 from FY16
- ◆ Hydraulic Study increased by \$64,000 to \$94,000;

FY13 (+\$11,000)

- ◆ Tank Maintenance on Auburn estimate increased to \$550,000 from \$475,000;
- ◆ Hydraulic Study decreased by \$64,000 to \$56,000.

FY19 (-\$250,000)

- ♦ Start of next Meter Replacement program pushed out to 2020

Finance Committee Report: The Finance Committee recommends the subject matter of this Article by a vote of 7-0 at their October 19, 2011 meeting. This Article allows capital requests to be considered for funding in later Articles that will be discussed and voted on during this Town Meeting. A 10-year balanced capital plan is a prudent fiscal tool that facilitates long range planning and project prioritization. The balanced plan provides the maximum amount the Town can fund each year and stay within the FINCOM guideline amount.

Bylaw Committee Report: No report.

ARTICLE 4 To see if the Town will vote to appropriate the sum of \$55,470.89 for the purpose of funding the West Street final design project, including all engineering and design costs, and any other associated costs, and that to meet this appropriation:

- ♦ \$7,798.08 shall be transferred from the unexpended proceeds of the town's bonds dated 4-10-08 which were issued for the construction of the Birch Meadow Tennis Courts pursuant to the vote of the town passed 11/13/07 (Article 9);
- ♦ \$46,209.30 be transferred from the unexpended proceeds of the town's bonds dated 11-1-07 which were issued for the construction of the Turf Field Improvements pursuant to the vote of the town passed 4/26/07 (Article 22);
- ♦ \$1,341.51 be transferred from the unexpended proceeds of the town's bonds dated 4-10-08 which were issued for the purchase of a Ladder Truck pursuant to the vote of the town passed 11/13/07 (Article 10); and
- ♦ \$122.00 be transferred from the unexpended proceeds of the town's bonds dated 8-1-09 which were issued for the purchase of a Fire Engine pursuant to the vote of the town passed 11/10/08 (Article 11);

and that the Board of Selectmen is authorized to take any other action necessary to carry out this project; provided, however that no expenditures shall be made hereunder until the Board of Selectmen determines (which determination shall be conclusive) that after the transfer of such unexpended bond proceeds, the remaining amount of unexpended bond proceeds from all of the above referenced bonds is sufficient to complete the project for which the bonds were sold, or take any other action with respect thereto.

Board of Selectmen

Background: All of the above capital projects have been completed as designed - the above debt amounts were issued but there are some surplus funds that are no longer needed for these projects. By law, these unexpended proceeds may be used only for other eligible projects.

Funding the final design of the West Street project is an eligible use of these unexpended bond funds, and the funds required for West Street approximately match the funds available. Using these unexpended proceeds removes this capital request from Article 5.

Once the West Street project is brought up to 100% design, it is immediately 'shovel-ready' if and when state or federal funds become available for the project.

Finance Committee Report: The Finance Committee voted 7-0-0 at their October 19, 2011 meeting to recommend the subject material of this Article. This will authorize the town to appropriate the sum of \$55,470.89 by transferring funds from unexpended proceeds from

previously issued debt for Birch Meadow Tennis Courts (4/10/08-\$7,798.08), Parker Turf Field Improvements (11/1/07-\$46,209.30), Ladder Truck purchase (4/10/08-\$1,341.51), and Fire Engine purchase (4/8/08-\$122.00) to meet the appropriation needed for the purpose of funding the West Street final design project, including all engineering and design costs, and any other associated costs.

Bylaw Committee Report: No report.

ARTICLE 5 To see if the Town will vote to amend one or more of the votes taken under Article 28 of the Warrant of the Annual Town Meeting of April 25, 2011; and to see what sum the Town will vote to appropriate by borrowing or transfer from available funds, or otherwise, as the result of any such amended votes for the operation of the Town and its government, or take any other action with respect thereto.

Finance Committee

Background:

General Fund – Wages and Expenses

<u>Account Line</u>	<u>Description</u>	<u>Decrease</u>	<u>Increase</u>
C99 - Capital	\$231,000 for DPW Road repairs* \$50,000 for DPW pedestrian improvements* \$50,000 for School Facilities building study \$24,000 for Birch Meadow carpet/flooring \$10,000 for Dispatch communications – local share of grant		\$365,000
J92 – FINCOM Reserves	\$59,000 spent on School facilities – RMHS Veteran's wall \$50,000 spent on Town facilities – Police electrical panel		\$109,000
K91 – Community Services wages	\$7,000 additional for Alternate Building Inspector (\$27,500) from Health Administrator salary (see below)	\$20,500	
K92 – Community Services expenses	\$100,000 for Veterans Benefits \$27,500 for Health Administrator expenses – regional arrangement will shift to quarterly billing instead of payroll		\$127,500
M94 – DPW Street Lights	(\$50,000) due to lower RMLD rates for street lights	\$50,000	
	Subtotals	\$70,500	\$601,500
	Net Operating Expenses		\$531,000
	From Tax Levy, State Aid and Other Local Receipts One-time state aid refund \$200,000 Meals Tax receipts \$50,000		\$250,000
	From 40R Stabilization Fund*		\$ 281,000

Enterprise Funds – Wages and Expenses

Article 8 will be taken out of order since action under Article 8 is required prior to action on the following budget amendments for the Water enterprise funds.

<u>Account Line</u>	<u>Description</u>	<u>Decrease</u>	<u>Increase</u>
W99 - Water	Increase in capital for additional Hydraulic Study 2 nd connection (moved up from FY13)		\$64,000
	Increase in capital for water main repair project for Howard Street from County Road to Summer Avenue (moved up from FY16).		\$414,500
	Decrease in debt service to repay the MWRA water main loan program. Repayment begins in FY13.	\$228,500	
	Subtotals	\$228,500	\$478,500
	From Operating Transfers and Available Funds (Water Reserves):		\$250,000

Finance Committee Report: The Finance Committee recommends by a vote of 7-0-0 at its October 19, 2011 meeting the general fund items paid for by the \$250k increased revenues and \$50k decrease in the cost for street lights. These items are \$50k school facilities study; \$24k Birch Meadow carpeting; \$10k Dispatch equipment; \$109k for FINCOM Reserve fund; \$7k for additional hours for Alternate Building Inspector; \$100k for additional Veteran's benefits.

The Finance Committee does not recommend by a vote of 0-7-0-at its October 19, 2011 meeting the items paid for by the \$281,000 use of 40R stabilization fund because technically the Town does not have access to those funds until the projects pull a building permit. While that is imminent, it had not taken place at the time of the vote. The items included in this vote are \$50k pedestrian improvements and \$231k roadway repair.

The Finance Committee by a vote of 7-0-0 at its meeting on October 19, 2011 recommended the enterprise funds additional water main project for \$250k funded by water reserves. The availability of an MWRA interest free loan on the Haverhill Street project (which came in under budget) allowed us to move the Howard Street project up and take advantage of the interest free financing. This allows us to get the project done more quickly and at less cost

Bylaw Committee Report: No report.

ARTICLE 6 To see if the Town will vote to authorize the payment during Fiscal Year 2011 of bills remaining unpaid for previous fiscal years for goods and services actually rendered to the Town, or take any other action with respect thereto.

Board of Selectmen

Background: Mass General Law does not allow the Town to pay for last years expenses with this year's budget money. The fiscal year closed June 30, 2011 and departments had until July

15 to inform the Town Accountant of any commitments that were made with the Fiscal Year 2011 budgeted funds.

The Assessors submitted job-related mileage reimbursement requests for the months of April, May and June of 2011 totaling \$121.38. This request was submitted in late August 2011 which was past the end of the closing of the fiscal year so we need to appropriate funds in this fiscal year to pay for last fiscal years bills.

In addition, on October 6, 2011 the Town was notified by the Massachusetts Emergency Management Agency (MEMA) that a \$14,150.69 refund was owed to the state. On June 28, 2010 a heavy rainstorm forced the Town to incur over \$50,000 in emergency expenses. Since that time paperwork has wound its way through MEMA, the Federal Emergency Management Agency (FEMA) and the Town's insurance carrier (MIIA). The refund is due to the fact that these three agencies have combined to overpay the Town for the allowable emergency expenses.

Approval of this article will require a 9/10 vote of Town Meeting.

Finance Committee Report: The Finance Committee voted 7-0-0 at their October 19, 2011 meeting to recommend the subject material of this Article. This will authorize the payment of previous fiscal years' bills for goods and services rendered to the Town of Reading, to include reimbursement of \$121.26 for the job-related FY2011 mileage expense of the Assessors for the months of April, May and June 2011 and reimbursement of \$14,150.69 to the Massachusetts Emergency Management Agency for overpayment from past damages incurred between March 12 and April 26, 2010, since the Town's insurance ultimately covered that amount.

Bylaw Committee Report: No report.

ARTICLE 7 To see if the Town will vote to rescind the remaining balances on the following authorized but unsold debt that is no longer needed for the completion of the projects:

- ◆ \$140,000 for Birch Meadow Tennis Courts – April 26, 2007 Annual Town Meeting Article 21;
- ◆ \$275,000 for Turf Field Improvements - April 26, 2007 Annual Town Meeting Article 22;
- ◆ \$65,000 for Sewer improvements Sunnyside/Fairview - April 26, 2007 Annual Town Meeting Article 23;
- ◆ \$50,000 for Ladder Truck – November 13, 2007 Subsequent Town Meeting Article 10

Or take any other action with respect thereto

Board of Selectmen

Background: All of the above capital projects have been completed as designed, and the above debt authorizations are no longer required. The amount of debt listed for each project was never issued. There is a combination of factors responsible for requiring less debt than approved by Town Meeting. In the case of both the Birch Meadow Tennis Courts and Parker Turf Field Improvements there were private donations and grant funds considered integral to these projects. The authorization of the full amount of project debt was a required legal formality even though the Town never intended to sell all of the authorized debt. In the case of the Sunnyside/Fairview Sewer improvements, due to the timing of the debt issuance an initial budgeted debt payment was instead paid directly from funds available. For the Ladder Truck, the final price of the equipment was less than anticipated.

Finance Committee Report: The Finance Committee recommended the subject matter of Article 7 by a vote of 7-0-0 taken at their October 19, 2011 meeting. There is no financial impact from this Article.

Bylaw Committee Report: No report.

ARTICLE 8 To see if the Town will vote to amend the action taken under Article 7 of the Warrant at the November, 2010 Town Meeting, which vote authorized the borrowing of \$2,285,000 to pay costs of water system improvements on Haverhill Street, to permit the expenditure of funds authorized to be borrowed under said Article 7, but which not needed to complete the Haverhill Street project, to pay costs of rehabilitating and repairing water mains on Howard Street, from Summer Ave to County Road, including the costs of engineering services, plans, documents, cost estimates, bidding services and all related expenses, or take any other action relative thereto.

Board of Selectmen

Background: This Article will be taken out of order – to be considered before Article 5.

The Haverhill Street water main project bids came in below budget by almost \$700,000, and work is currently underway. It is being financed by a no-interest 10-yr loan from the MWRA. The MWRA has made the unused funds from that project available to the Town for another water main project that meets eligibility criteria as a no interest loan. Construction on that project must begin before June 30, 2012.

The \$1.1 million water main project for Howard Street from County Road to Summer Avenue meets the eligibility criteria and was scheduled for FY16, but can now be done sooner. This Article authorizes the Howard Street water main project to be added in to the previous \$2,285,000 debt authorization from a prior Town Meeting. However, the Town needs to fund an additional \$414,500 in order to complete this work. The first \$228,500 of funds will be from unused FY12 debt service, made possible because the Town did not draw down the Haverhill Street MWRA loan until after July 1, 2011 and the first debt repayment now begins in FY13. This leaves an additional \$186,000 needed, which will be requested under Article 5.

See the Table below for the changes to previously projected capital and debt costs in the water enterprise fund. Note that for additional funding in FY12 and FY22, less funding will be needed during the 5-year period from FY15-FY19, for a net savings of almost \$800,000 over the next several years.

	FY12	FY15	FY16	FY17	FY18	FY19	FY22	Total
Changes	\$186,000	(\$268,180)	(\$255,024)	(\$241,868)	(\$228,712)	(\$215,556)	\$228,500	(\$794,840)

Finance Committee Report: The Finance Committee voted 7-0-0 at their October 19, 2011 meeting to recommend the subject matter of this article. The combination of the MWRA interest free loan program and the Haverhill Street water main project coming in below budget provides an opportunity for financial gain and early project completion of the Howard Street water main project. Although it requires expending additional funds in FY12 of \$186K from the water reserves funds, it provides a long term savings of almost \$800K due to the low bids on Haverhill St. combined with interest not being paid on Howard St. The Finance Committee is comfortable that spending \$186K from water reserves still leaves the fund at a healthy level.

Bylaw Committee Report: No report.

ARTICLE 9

To see what sum the Town will vote to transfer from the Smart Growth Stabilization Fund to the Affordable Housing Trust Fund, or take any other action with respect thereto.

Board of Selectmen

Background: A number of years ago the Town established an Affordable Housing Trust Fund (AHTF) by a Special Act of the Legislature, and funds have been placed into the Trust over the years, primarily through developer's contributions. Until this year there has been no use of the Trust funds for the allowed purposes.

In 2011 the Town, through the Board of Selectmen and Housing Authority, granted up to \$200,000 to the Oaktree development at 30 Haven Street to support the affordable housing portions of that development. It is unclear whether all or any of those funds will be needed for the project, but the \$200,000 is deposited in escrow, leaving a balance not including the funds in escrow (on September 30, 2011) of \$258,694.

Since the application by Oaktree, an additional project has come forward for use of some funding from the AHTF, and it is the wish of the Board of Selectmen to replenish the funds into the AHTF from the State's Smart Growth 40R payments to the Town. The Board proposes to replenish the funds in two pieces - \$50,000 now, and an additional \$150,000 if needed next year. If all or part of the funds that have been placed in escrow for Oaktree are not used by next fall, then the Board of Selectmen may suggest that an amount less than the suggested \$150,000 be transferred next year.

Finance Committee Report: The Finance Committee did not recommend the subject matter of Article 9 by a vote of 0-7-0 taken at their October 19, 2011 meeting. The Committee acknowledged the importance of a suitable Affordable Housing Trust Fund balance, but noted that:

- a) No formal town policy has yet been developed for the distribution of these funds
- b) No formal AHTF request has been made for additional projects
- c) The sole informal inquiry made (by Peter Sanborn Place) is substantially less than the \$258.6K current balance.
- d) Some or all of \$200K originally voted for the Oaktree project may not be used (due to lower cost construction bids received). Under the terms of that original grant, such unused funds would be returned to the AHTF increasing its balance.
- e) Additionally, it is prudent to wait until a building permit has been issued for the 40R project prior to utilizing the funds from the State. While the stabilization funds are available for use by the town, these funds must be repaid to the State if a 40R building permit has not been issued within a set period of time.

Bylaw Committee Report: No report.

ARTICLE 10

To see if the Town will amend the motion under Article 5 at the November 13, 2001 Subsequent Town Meeting by striking the Words "July 1, 2003" and the words "allocated 75% towards perpetual (non expendable) principal and 25% to be available (expendable)" so that the sentence shall read:

"Unless otherwise directed by a subsequent donor as to the use of his or her donation made on or after January 1, 2012 shall be available for expenditure (expendable)."

Or take any other action with respect thereto.

Commissioners of Trust Funds

Background: The Veteran's Memorial Fund was set up in 2001 to provide flowers each Memorial Day for deceased Veterans interned in Reading's cemeteries. While steps have been taken to contain the costs, the members of the Trust Fund Committee are concerned that given the present interest rates the time may come when there may not be sufficient funds to provide the flowers. This proposed amendment will allow all donations made after January 1, 2012, unless otherwise specified by the donor, to be used immediately together with the interest on the principal to sustain the fund. The principal on donations made prior to 1-1-12 cannot and will not be used.

Finance Committee Report: The Finance Committee voted 7-0-0 at their October 19, 2011 meeting to recommend the subject matter of this article. Due to the low interest-rate environment, the Finance Committee agreed the amendment requested to allow future donations for flowers for the Veteran's graves be available for expenditure both principal and interest is reasonable and prudent.

Bylaw Committee Report: No report.

ARTICLE 11 To see if the Town will vote to authorize revolving funds for certain Town Departments under Massachusetts General Laws, Chapter 44, Section 53E ½ for the fiscal year beginning July 1, 2011 with the receipts, as specified, credited to each fund, the purposes, as listed, for which each fund may be spent, the maximum amount that may be spent from each fund for the fiscal year, and the disposition of the balance of each fund at fiscal year end.

Revolving Account	Spending Authority	Revenue Source	Allowed Expenses	Expenditure Limits	Year End Balance
Town Forest	Director of Public Works upon the recommendation of the Town Forest Committee	Sale of timber; fees for use of the Town Forest	Planning and Improvements to the Town Forest	\$10,000	\$0

or take any other action with respect thereto.

Board of Selectmen

Background: Town Meeting annually approves several revolving funds for specific purposes. The Town Forest Committee has requested the creation of a Town Forest revolving Fund as follows:

Town Forest Revolving Fund - The Town Forest Committee received a grant last year to evaluate the Town Forest timberland and to make recommendations as to any measures that should be taken to improve the quality of the woodland on the Town Forest and adjacent Town owned properties. The recommendations include selected harvesting of timber over a number of years, and replanting these harvested areas in some cases with more desirable plantings. It is expected that the harvesting of the timber will yield some level of payment to the Town, and the Town Forest Committee would like any such funds made available directly to the Town Forest Committee for improvements to the Town Forest, including for their current master planning efforts. The Town Forest Committee does not presently receive any Town funding.

Finance Committee Report: The Finance Committee recommends the subject matter of this Article by a vote of 7-0-0 at their October 19, 2011 meeting. Revolving funds are the appropriate fiduciary vehicle for collecting and spending funds for a specific ongoing purpose. The \$10k

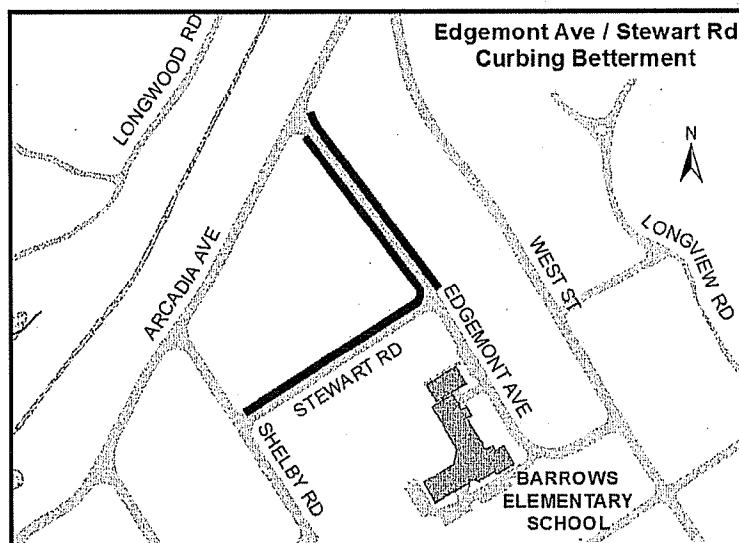
limit was thought to be a reasonable starting point and it will be monitored for necessary adjustments. Barring any changes to the fund's authorized limit, funds collected in excess of \$10k, will go to the general fund.

Bylaw Committee Report: No report.

ARTICLE 12 To see if the Town will vote to accept the report of the Board of Selectmen under the provision of law authorizing the assessment of betterments, to install granite curb on Stewart Road and Edgemont Avenue; and to authorize the Board of Selectmen under the provision of law authorizing the assessment of betterments under the provisions of Chapter 80 of the General Laws, as amended, to assess betterments therefore, in accordance with the statutory requirements; and to see what sum the Town will vote to appropriate by borrowing, or from the tax levy, or transfer from available funds, or otherwise, for the installation of curbing, or take any other action with respect thereto.

Board of Selectmen

Background: The Town has been petitioned by residents of Stewart Road and Edgemont Avenue to install granite curbing along the northerly side of Stewart Road from Shelby Road to Edgemont Avenue; and along both sides of Edgemont Avenue from Stewart Road to Arcadia Avenue. The cost of the improvements is estimated at \$56,076.



The cost of constructing the improvements is borne 100% by the abutting property owners on a pro rata per foot basis. Under the provisions of the Betterment Act, the assessment may be repaid to the Town over a period not exceeding twenty years, with annual payments of not less than five dollars, with interest at a rate determined by the Board of Selectmen annually on the unpaid balance. These apportioned payments appear annually on the real estate tax bill.

Finance Committee Report: The Finance Committee voted in favor of this Article by a vote of 7-0-0 at the meeting on October 19, 2011.

Bylaw Committee Report: No report.

ARTICLE 13 To see if the Town will vote to discontinue as a public way for all purposes a portion of Grant Street, consisting of approximately 399 square feet of land along the northerly side of Grant Street and 400 square feet of land along the southerly side of Grant Street as shown on a Plan entitled "Grant Street Roadway Discontinued Plan" dated September 27, 2011, a copy of which is on file with the Town Clerk, subject to the reservation of any and all utility and drainage facility easements in said way; and to transfer the care, custody, control and management of said discontinued portion of Pearl Street from the Board of Selectmen for public way purposes, to the Board of Selectmen for the purpose of conveyance, and further, to authorize the Board of Selectmen pursuant to M.G.L. c.40, §3 to convey all of the Town's right title and interest in said discontinued way upon such terms and conditions, and for such consideration as the Board of Selectmen deem to be in the best interest of the Town,

or take any other action with respect thereto.

Board of Selectmen

Background: It has been pointed out that the Article inadvertently named Pearl Street instead of Grant Street in a portion of the Article cited below. This reflects some of the hazards of "cutting and pasting" information in today's electronic age. "dated September 27, 2011, a copy of which is on file with the Town Clerk, subject to the reservation of any and all utility and drainage facility easements in said way; and to transfer the care, custody, control and management of said discontinued portion of **Pearl Street** from the Board of Selectmen for public way purposes, to the Board of Selectmen for the purpose of conveyance" Town Counsel has ruled that this is not a fatal flaw in the article – that the article is clear as to what is intended, and the motion that is presented will correct this "typo".

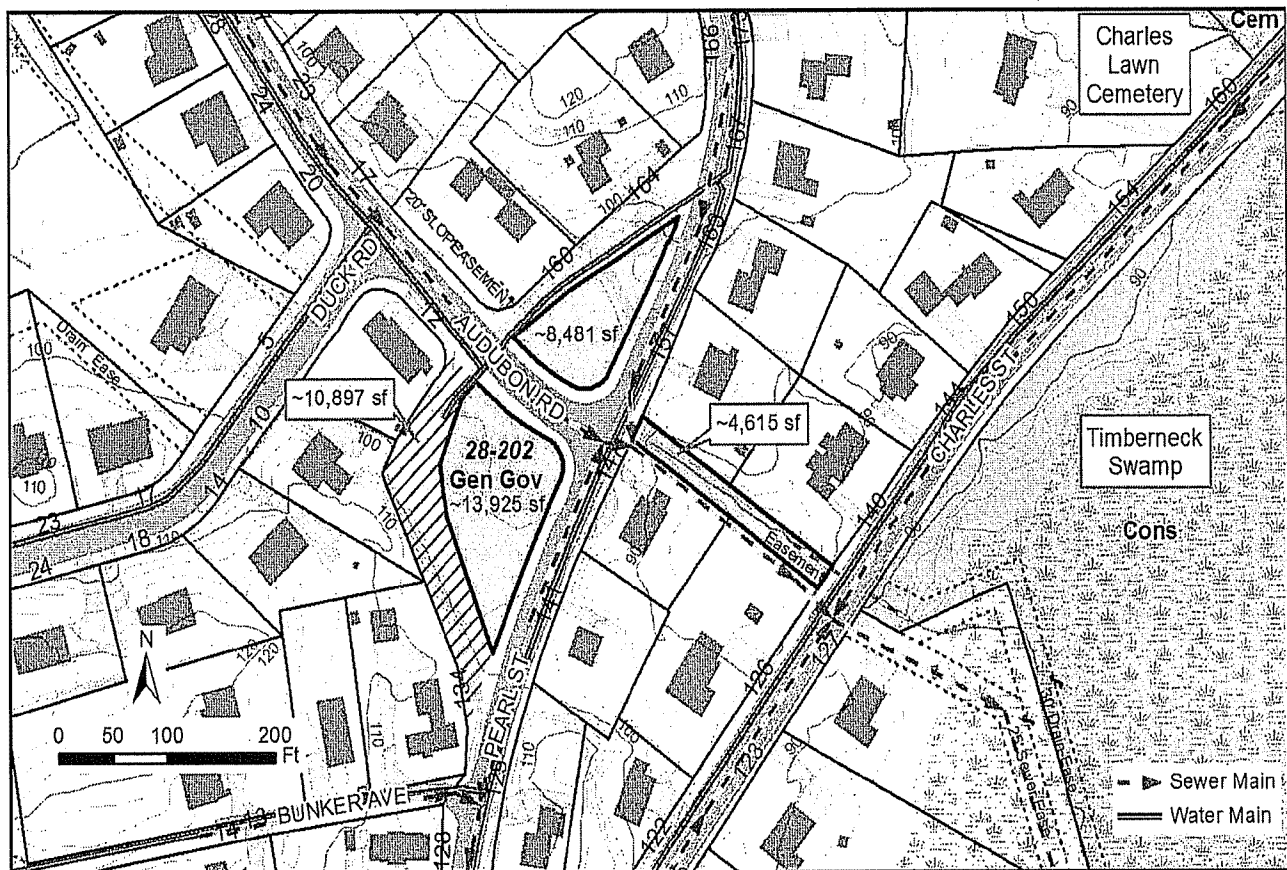
Grant Street is a short street off of Summer Avenue. The right of way goes from Summer Avenue to Hancock Street, but due to ledge and differences in elevation, the street will never be constructed to connect Summer with Hancock.

On March 12, 1956 the former Board of Public Works accepted Grant Street which was constructed with a 20' by 20' area on each side of the roadway. These areas were to provide for a turn around at the end of Grant Street. Since Grant Street is a short dead end street, there was never any need for the turn around, and the paved areas became locations for off street parking to the abutting properties.

The property owner from whom the land was taken is interested in having the turn around discontinued by the Town and re-attached to her lot so she would have unencumbered access to the off-street parking. The DPW has no objections to this action.

Article 14 would authorize the sale of the Town owned portion of map 28 lot 202 which is at the south-west corner of Pearl Street and Audubon Road. **Only that 13,925 square foot portion of that lot is proposed for sale (plus the portion of "old Pearl Street" proposed to be discontinued under Article 15).** The remainder of lot 202 at the north-west corner of the intersection would be retained since it is substandard in size for the creation of a lot conforming to zoning, and abandonment of the abutting portion of "old Pearl Street" would land-lock the abutting property.

The conveyance of this parcel plus the abandoned "old Pearl Street" under Article 15, would create a lot of approximately 25,280 square feet, more than enough to meet the minimum lot size under zoning for a single residential lot, but not enough land to create 2 conforming 15,000 sf lots. At least one abutting property owner has expressed interest in acquiring a portion of the discontinued "old Pearl Street" and adding it to their property. If these articles are approved the Board of Selectmen could consider this as part of the bidding the sale of the property.



Finance Committee Report: No report.

Bylaw Committee Report: No report.

ARTICLE 15 To see if the Town will vote to discontinue as a public way for all purposes a portion of Old Pearl Street, consisting of approximately 11,351 square feet of land along the westerly side of the 1944 Pearl Street alteration beginning at the private way known as Bunker Avenue and extending in the northerly direction for a distance of approximately 250 linear feet to the side line of Audubon Road as shown on a Plan entitled "Pearl Street Roadway Discontinued Plan" dated September 27, 2011, a copy of which is on file with the Town Clerk, subject to the reservation of any and all utility and drainage facility easements in said way; and

to transfer the care, custody, control and management of said discontinued portion of Pearl Street from the Board of Selectmen for public way purposes, to the Board of Selectmen for the purpose of conveyance, and further, to authorize the Board of Selectmen pursuant to M.G.L. c.40, §3 to convey all of the Town's right title and interest in said discontinued way upon such terms and conditions, and for such consideration as the Board of Selectmen deem to be in the best interest of the Town,

or take any other action with respect thereto.

Board of Selectmen

Background: See the background and map for Article 14.

Finance Committee Report: No report.

Bylaw Committee Report: No report.

ARTICLE 16 To see if the Town will vote, pursuant to M.G.L. Chapter 40, Section 15A, to transfer the care, custody and control of approximately 31,061 square feet of land as shown on Board of Assessor's map 27 lot 405, and map 27 lot 412 from the School Department to the Board of Selectmen for the purpose of conveyance; and; and further, to authorize the Board of Selectmen pursuant to M.G.L. c.40, §3 to convey all of the Town's right title and interest in said property upon such terms and conditions, and for such consideration as the Board of Selectmen deem to be in the best interest of the Town,

or take any other action with respect thereto

School Committee

Background: See general background under Article 14.

The Oakland Road property across from RMHS is in small parcel of land (26,501 square feet) owned in the name of the School Department, but the majority of the abutting property is owned by the Town as Tax Title land and is under the care, custody and control of the Board of Selectmen. The property is divided by a number of "paper" streets which limit its use for any future use by the Town or for a buyer.

utility and drainage facility easements in said ways; to transfer the care, custody, control and management of said discontinued portions of Grandview Road, Cold Spring Road, Oakland Road and Tower Road from the Board of Selectmen for public way purposes to the Board of Selectmen for the purpose of conveyance; and further, to authorize the Board of Selectmen to convey all of the Town's right title and interest in said discontinued ways together with all of the land shown on Board of Assessor's Map 33 Lot 19, Map 33 Lot 31, Map 27 lot 405, and Map 27 lot 412 upon such terms and conditions, and for such consideration as the Board of Selectmen deem to be in the best interest of the Town,

or take any other action with respect thereto.

Board of Selectmen

Background: See general background under Article 14

If Town Meeting approves Article 16 (and even if Town Meeting does not approve it), Article 17 would do two things:

- ◆ It would authorize the Board of Selectmen to move forward to discontinue the various paper streets that lie within the Town owned land areas. Certification of the Town's ownership rights through Land Court in addition Town Meeting approval will be required, but this is an important action regardless of whether the property is to be retained by the Town or sold for other use. The process of discontinuing the paper streets will take a matter of months.
- ◆ The article would authorize the Board of Selectmen to bid the sale of the property including the area of the paper streets that would be discontinued, as well as the portions of the property that would be transferred from the School Department under Article 16.

On October 11, 2011 the Board of Selectmen hosted a meeting of all abutters within 300 feet to solicit their comments and questions with regard to the future of this property.

Finance Committee Report: No report.

Bylaw Committee Report: No report.

ARTICLE 18 To see if the Town will vote, pursuant to M.G.L. Chapter 40, Section 15A, to transfer the care, custody and control of the property shown on Board of Assessor's Map 9, Lot 3, consisting of 31,614 square feet of land, from the Water Department or the Board of Selectmen for water resource and protection purposes, to the Board of Selectmen for the purpose of conveyance; and further, to authorize the Board of Selectmen pursuant to M.G.L. c.40, §3 to convey all of the Town's right title and interest in said parcel of land upon such terms and conditions, and for such consideration as the Board of Selectmen deem to be in the best interest of the Town,

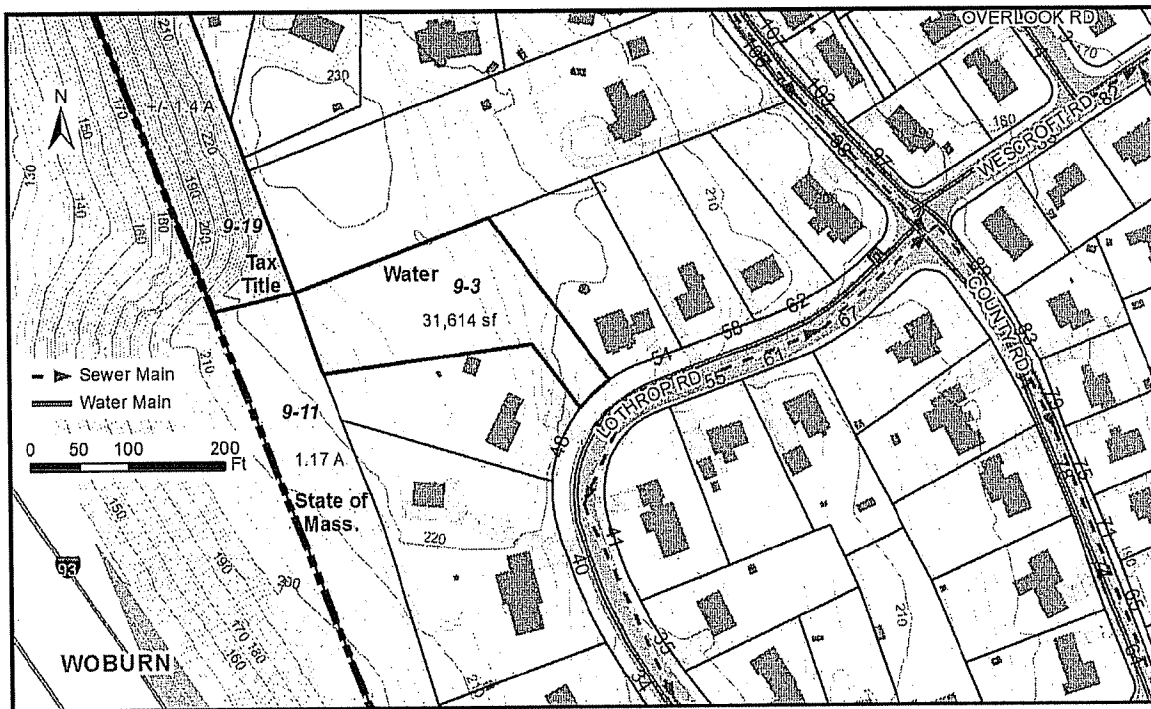
or take any other action with respect thereto.

Board of Selectmen

Background: See general background under Article 14.

Map 9 lot 3 is owned by the Town in the name of the Water Department and was purchased to build a water tower. The water pressure in this area of Town is currently adequate because the Town operates booster pumps to make sure that it is adequate. Therefore the need for water storage in that location is no longer present. The MWRA has expressed interest in purchasing the property and building a water storage facility, but to build one of the size that they would want they would also have to acquire additional property.

The property is adequate in size (31,614 square feet) to meet lot minimum size requirement of 20,000 square feet for one single family home under zoning. The lot width is substandard – 40 feet of frontage rather than the required 120 feet, so any buyer would have to seek a variance.



Finance Committee Report: No report.

Bylaw Committee Report: No report.

ARTICLE 19 To see if the Town will approve the recodification of the Reading General Bylaw pursuant to Section 8.9 of the Reading Home Rule Charter, or take any other action with respect thereto.

Bylaw Committee

Background: Section 8-9 of the Reading Home Rule Charter, requires that the Bylaw Committee present to Town Meeting not less than every 10 years, proposed revisions or recodification of the bylaws of the Town. A public Hearing on the bylaw recodification was held on July 6, 2011, and the following report of the Bylaw Committee was presented at that time.

Section 8-9 (Reading Home Rule Charter): Reenactment and Publication of Bylaws

Within one (1) year of the adoption of this Charter and at intervals of not more than ten (10) years thereafter, proposed revisions or recodification of the bylaws of the Town shall be presented to Town Meeting by the Bylaw Committee.

At least four (4) months prior to the Town Meeting at which action under this section is to be taken, the Committee shall cause to be published in a local newspaper: (a) a report summarizing its recommendations and noting the times and places within the Town where complete copies of the report shall be available for inspection by

the public, and (b) the date, time and place not less than two weeks following such publication when a public hearing shall be held by the committee on the preliminary report.

The General Bylaw of the Town was last re-codified in 1988, shortly after the Reading Home Rule Charter was adopted.

The intent of recodification is not to make substantive changes to the General Bylaw, but to make sure that the General Bylaw is simple to read and understand, and internally consistent and accurate.

Since the winter of November 2010, the Bylaw Committee (together with Town Counsel, the Town Clerk, and the Town Manager) met 8 times and developed a new, easier to read, standardized version of the General Bylaw. The details of this draft are available in hard copy at the Library and Town Clerk's office, and electronically on the Town's web site at www.readingma.gov.

In proceeding with this recodification, the Bylaw Committee had several specific goals in mind:

- ♦ Improve the organization of the General Bylaw - It is clear that the existing bylaws have been amended in sequential order without any particular attention to organizing the sections by subject matter. The "Public Order" article seems to eclipse the others.
- ♦ Improve the formatting - Make the General Bylaw more user friendly; easier to read; simpler (there are too many subsections in some portions of the bylaw); more compact (narrower margins mean less paper is used); add a robust index (not part of the adopted bylaw, but as a useful tool); and keep the chronology (also not part of the adopted bylaw, but as an additional tool).
- ♦ Standardize terms within the General Bylaw to the extent practical. The Bylaw Committee has had some definite ideas as to how to spell and reference certain terms. Town Counsel has reviewed those to ensure conformance with standard practice. Examples of now standardized terms include: the spelling and capitalization of "bylaw", references to the state statutes as "M.G.L.", and the consistent use of other common terms. In addition, there are a number of sections with common language, and some sections where the language is similar. The Bylaw Committee has attempted to organize the bylaw so that the common language is standardized, and included only once in the bylaw.
- ♦ Review the bylaw for content. Each of the bylaw sections was reviewed in an effort to determine what, if any, changes are needed. The following are examples of some of those changes:
 - ♦ What can be "re-codified" as is - (Wetlands)
 - ♦ What needs to be modified - (Personnel)
 - ♦ What needs to be removed - (Building Code)
 - ♦ What needs to be added - (table in section 1.7 that shows who enforces non-criminal disposition and what the fines are)

The following is a summary of the detailed work included in the proposed recodification:

Organization:

Following its review of best practices in the Commonwealth, the Bylaw Committee recommends reorganizing the General Bylaw into 8 Articles:

- General Provisions
- Town Meeting
- Town Offices and Town Officers
- Personnel
- Conduct of Town Business

Financial Procedures
Regulation on the Use of Land
Public Order

Inclusion of all previous sections

The Bylaw Committee retained all of the previous sections of the General Bylaw (but reorganized many of the provisions into new sections), except for the following sections which have been deleted:

- ◆ Laundromat Licenses – staff has determined that there is no reason for such a license
- ◆ Underground Petroleum Storage License – This bylaw was rescinded by Town Meeting at the 2011 Annual Town Meeting
- ◆ Gas Inspector section – not necessary – no other such positions are included in the bylaw
- ◆ Building Code – not necessary – there is a state building code and the Town may not vary from that
- ◆ Municipal Data Processing Center – no longer needed – this was required in pre-Charter days
- ◆ Conflict of Interest section - eliminated because the state statute, M.G.L. c.268A, applies

Summary of Changes:

Article 1 General Provisions

- ◆ Added some definitions from the detailed bylaw sections to create a general definition section
- ◆ Standardized the non-criminal disposition section as section 1.7 from different language in various sections of the bylaw, and inserted a chart that contains the bylaw section, enforcing agent, and fines (fines are specified in accordance with state statute)

Article 2 Town Meeting

- ◆ No substantive changes

Article 3 Town Offices and Town Officers

- ◆ Eliminated the section on the Gas Inspector – not necessary
- ◆ Standardized the section on the general standards for Appointed Boards, Committees, and Commissions
- ◆ Eliminated Municipal Data Processing Center – no longer needed – this was required in pre-Charter days
- ◆ Eliminated the Conflict of Interest section because M.G.L. will apply

Article 4 Personnel

- ◆ No substantive changes

Article 5 Conduct of Town Business

- ◆ Removed a number of sections and put them in another section of the bylaw
- ◆ Modified the sections on Rules and Regulations to reflect current practice

Article 6 Financial Procedures

- ◆ No substantive changes

Article 7 Regulation on the Use of Land

- ◆ This is a new article compiled of sections from various other sections of the previous bylaw
- ◆ Removed details of non-criminal disposition from individual sections and inserted them in the first article
- ◆ Eliminated underground petroleum storage licensing article
- ◆ Eliminated laundromat licensing and reference to the Gas Inspector position – not necessary – no other such positions are indicated
- ◆ Eliminated reference to the Building Code – not necessary – there is a state building code and the Town may not vary from that

Article 8 Public Order

- ◆ Rewrote the section on Anti-Litter to simplify it but retained the intent of the existing bylaw
- ◆ Rewrote the section on News Racks but retained the intent of the existing bylaw

Respectfully submitted,
Bylaw Committee

Philip Pacino, Chairman
Dolores Carroll
John H. Russell
Ronald O'Keefe Jr.
Louise Callahan

The complete text of the recodified General Bylaw is included as an appendix to this report.

Finance Committee Report: No report.

Bylaw Committee Report: The Bylaw Committee over the last year has spent considerable time and effort to recodify the General Bylaws in conjunction with the Town Manager, Town Clerk and Town Counsel. The details and specific goals are detailed above under the background.

It is the feeling of the Bylaw Committee that the recodified General Bylaw project resulted in a set of General Bylaws that should be easier to work with by Town officials, Town staff and other users of this Bylaw. The Bylaw Committee recommends this Article by a vote of 3-0-0.

ARTICLE 20 To see if the Town will vote to approve an amendment to the Table of Organization pursuant to Section 6-1 of the Reading Home Rule Charter, or take any other action with respect thereto.

Board of Selectmen

Background: The following information in italics is the portion of the Reading home Rule Charter that addresses the creation of the Administrative Code (Table of Organization) for the municipal government. The current Table of Organization was approved in April 2002. **A copy of it is enclosed in the appendix to this report.** Since that time the community has gone through many changes and has had to modify the way it is organized to do business in order to remain as efficient and effective as possible.

On September 20, 2011 the Board of Selectmen held a public hearing on the proposed amendments to the Table of Organization and adopted it. **The new Table of Organization (it is included in the appendix to this report)** reflects the organization of the functions of municipal government in Reading as they have been modified over recent years. There are no new departments, nor are any eliminated. The divisions are merely rearranged for maximum efficiency.

Town Meeting may vote only to disapprove the Table of Organization as it is presented – they may not modify it.

Section 6-1: Creation of Departments, Agencies and Offices

The organization of the Town into operating agencies shall be accomplished through the establishment of an Administrative Code, either by adoption of a bylaw or by the adoption of a Table of Organization, both as provided in this section:

(a) Bylaws - *Subject only to express prohibitions in the Constitution, the General Laws or the Charter, the Town Meeting may, by bylaw, approve the reorganization, consolidation, or abolishment of any Town agencies, in whole or in part, and the establishment of such new Town agencies as it deems necessary or advisable. It may prescribe the functions of any Town agency.*

(b) Table of Organization – *Subject only to express prohibitions in the Constitution, the General Laws or the Charter, the Board of Selectmen, after consultation with the Town Manager, may from time to time, prepare and submit to the Town Meeting for approval a table of organization or reorganization, or amendments to any existing table of organization for the orderly, efficient or convenient conduct of the business of the Town.*

The administrative code may reorganize, consolidate or abolish any Town agencies in whole or in part and establish such new Town agencies as it deems necessary or advisable. It may prescribe the functions of any Town agency and, for such purpose, transfer the powers and duties and, so far as is consistent with the use for which the funds were voted by the Town, transfer the appropriations of one Town agency to another. However, no function assigned by the Charter to a particular Town agency may be discontinued, or unless the Charter specifically so provides, assigned to any other.

Whenever the Board of Selectmen prepares such a bylaw or table, the Board shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper not less than seven (7) days in advance, which notice shall describe the scope of the proposal and the time and place at which the hearing shall be held. Following such public hearing the Board of Selectmen shall submit to the Town Meeting, by Warrant Article, its proposed Administrative Code which it may have modified subsequent to the public hearing.

An administrative code shall become effective at the expiration of ninety (90) days following the date of the Town Meeting at which the proposal is submitted, unless the Town Meeting shall, by a majority vote within that time, vote to disapprove the code.

The Town Meeting may vote only to approve or disapprove the administrative code and may not vote to amend or alter it, except that a substitute motion may be moved by a majority of the Board of Selectmen.

Section 6-2: Publication of Administrative Code and Table of Organization

For the convenience of the public, the administrative code, if adopted as a Table of Organization, shall be printed as an appendix to, but not an integral part of, the bylaws of the Town. The Table of Organization shall also be published annually in the Town Report.

Finance Committee Report: No report.

Bylaw Committee Report: The Bylaw Committee recommends the Table of Organization be adopted so as to reflect the current operating structure of the Town. The Bylaw Committee recommends this Article by a vote of 3-0-0.

ARTICLE 21 To see if the Town will vote to amend Section 4.8, Aquifer Protection District, of the Town of Reading Zoning By-Laws, in the following respects (note – ~~cross-through~~ represents language to be eliminated and **bold** represents new language):

by amending Section 4.8.3. Definitions: as follows (new language in bold)

Impervious Surface: Material or structure on, above, or below the ground that does not allow precipitation or surface water to penetrate directly into the soil. Impervious surfaces shall include all roofs, **decks**, driveways, parking areas, roadways and walkways, regardless of the proposed surface material. **Excluded from this definition are decks that are constructed with open joints between the floorboards, and where the surface underneath the deck is not impervious;**

by deleting Sections 4.8.6.1.9 and 4.8.6.1.10 in their entirety, and inserting in place thereof the following new sections:

4.8.6.1.9 Land uses that result in the rendering impervious of more than 15% or 2,500 square feet of any lot or parcel, whichever is greater, unless a system of artificial recharge of precipitation is provided;

4.8.6.1.10 When artificial recharge is required to meet the limitation established in Section 4.8.6.1.9, a system for the recharge of precipitation shall be provided that will not result in the degradation of groundwater quality. Recharge plans shall comply with the DEP Stormwater Guidelines and shall be submitted to the Town Engineer for review and approval;

by inserting a new Section 4.8.7 as follows:

4.8.7. Nonconforming Uses and Structures

Non-conforming uses and structures which were lawfully existing, begun or in receipt of a building or special permit, prior to the first publication of notice of public hearing for this bylaw may be continued.

If such non-conforming uses and structures are changed, extended or altered, as specified in M.G.L. c. 40A, §6 and Section 6.3 of this bylaw, then the use or structure as changed, extended or altered must comply with this bylaw.

by inserting a new Section 4.8.8 as follows:

4.8.8 No Variance Permitted

No variances shall be granted from the provisions of this bylaw Section 4.8.

by inserting a new Section 4.8.9 as follows:

4.8.9 Administration/Rules and Regulations

This bylaw shall be administered by the Community Planning and Development Commission which shall also have the authority to adopt rules and regulations governing the design of infiltration systems required herein;

by renumbering the current Section 4.8.7 as 4.8.10,

or to take any other action with respect thereto.

Community Planning and Development Commission

Background: In submitting the FY 2012 Budget, the Town Manager proposed additional actions that would "simplify and/or reduce regulation, make shared or regional efforts more feasible, and advance efficiency and effectiveness of Town government as a customer driven organization."

One such area that is recommended is to simplify the Aquifer Protection District (APD) section of the Zoning bylaw, making it simpler for property owners to make improvements to their property while at the same time protecting the quality and quantity of ground water recharge in this area of the Community.

The existing APD

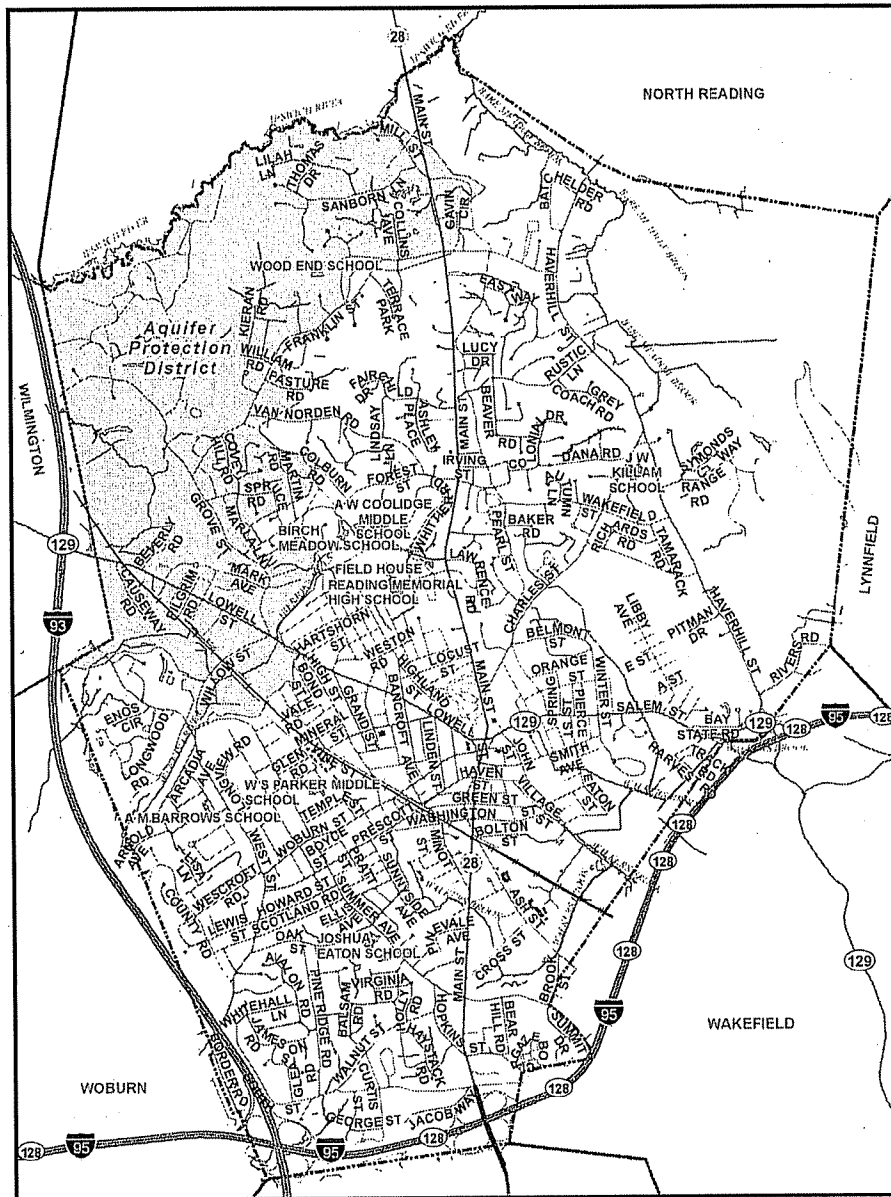
- ◆ limits the impervious portions of a lot to 15% of the total lot area,
- ◆ with ground water recharge, the percentage of impervious cover could increase up to 20%.
- ◆ These standards exceed the state standards in one very important way – under the state standards, there is no limit of the maximum percentage of lot coverage as long as the increase in coverage is supported by ground water recharge improvements.

Simply stated, this bylaw amendment will:

- ◆ Simplify the regulations by clarifying the by-law;
- ◆ Provide added flexibility by changing the threshold requirement for a recharge system to the State regulations (either 15% coverage or 2500 square feet).
Currently Reading's By-Law does not include the 2500 square feet provision;
- ◆ Utilize the CPDC to administer the by-law and adopt rules and regulations related to design of infiltration systems;

Under the proposed amendments to the APD bylaw, the base level of impervious surface remains the same, but there is no upper limit other than whatever an engineering study determines that a recharge system could support. Therefore there is no need to grant a variance from this section of the Zoning Bylaw.

The portions of the Town included in the APD are shown on the map below:



The Town, by the terms of the buy-in to the MWRA for water supply, must retain APD regulations that are no less stringent than the state standards.

Finance Committee Report: No report.

Bylaw Committee Report: The Bylaw Committee recommends this Article by a vote of 3-0-0.

CPDC Report: At a meeting on September 12, 2011, on a motion made by Mr. Tuttle, seconded by Mr. Safina the CPDC approved modifications for Article 20 (Aquifer Protection District) be recommended to be on the Warrant for Subsequent Town Meeting by a vote of 4-0-0.

ARTICLE 22 To see if the Town will vote to amend Section 6.2 (Signs) of the Town of Reading Zoning By-Laws as follows: (note – ~~cross-through~~ represents language to be eliminated and **bold** represents new language)

6.2.2. Definitions

- t. **Temporary Construction/Redevelopment Signs** – A temporary unlit free standing sign or wall sign affixed to a structure or fence identifying the project name, project team, project description or business to be conducted on the premises.

6.2.4. Exempt Signs

- j. ~~Construction Signs, identifying contractors while doing construction work on a property.~~ **Temporary Construction signs shall be allowed during active construction, where a demolition or building permit has been issued and where at least site preparation work has commenced. Temporary Redevelopment signs shall be allowed for sites that have not begun construction, but have been issued a building or demolition permit or have an approved site plan. The maximum size of Temporary Construction/Redevelopment Signs shall not exceed 32 square feet in surface area or 10 feet in any dimension. Temporary Redevelopment signs may be displayed for a period of up to 1 year. Upon written request and approval of the CPDC the display period for a Temporary Redevelopment sign may be extended. Temporary Construction signs shall be removed after the construction, repair or renovation work is completed or within 7 days after the issuance of a final occupancy permit.**

6.2.3. Signs Permitted According to Zoning District

<u>Table 6.2.3 Signs Permitted According to Zoning District</u>						
		Max	Max			
		Sign	Sign	Setbacks:		
	Permit	Area	Height	Front	Side	Maximum
Type	Required	(sq. ft.)	(ft.)	(ft.)	(ft.)	Number
All Zoning Districts:						
1. Personal Message	N	4	6	N/A	20	1/lot
2. Identification (Joint and Area)	N	4	8 (A)	N/A	N/A	1/lot
3. Construction	N	16 32	N/A	N/A	20	N/A 1
4. Subdivision Sales	(C)	48	N/A	N/A	N/A	1/subdiv.
5. Subdivision	(C)	24	N/A	N/A	N/A	1/subdiv.
6. Real Estate Sales	N	8 (G)	6	N/A	20	1/lot
7. Temp Open House	N	4	N/A	N/A	20	1/agency per lot
8. Garage/Yard Sale	N	4	N/A	N/A	20	1/lot
9. Informational - Directional	N	4	6	N/A	N/A	N/A
Portable A-Frame Regulated by the Board of Selectmen – Annual Permit Required						

10. Temporary 6.2.6.2.h.)	Y	16	N/A	(See Section or 30		
Business Signs						
Business-A, Business-C and Industrial Zoning Districts:						
11. Free-Standing	Y	50(D)	20	0	20(I)	1/lot
12. Wall	Y	2/4E	(A)	N/A	10	1/business
13. Projecting / Blade	Y	8	(A)(H)	N/A	10	1/business
Business-B Zoning Districts:						
14. Free-standing (Service Stations Only)	Y	35(D)	14	0	20	1/lot
15. Wall	Y	2(F)	(A)	0	0	2/businesses
16. Projecting/ Blade	Y	8	(A)(H)	-4	0	1/business
17. Free-Standing	SPP(J)	35	10.5	0	20	1/lot
NOTES:						
(A) No portion of such sign shall extend higher than the bottom of the sills of the windows of the second floor of a building or higher than the lowest portion of the eaves or, in the case of a gabled wall, no higher than a line equal in height to the lowest portion of the lower eave of any adjoining building wall, whichever of the above is lowest.						
(B) Aggregate sign area of all applicable signs.						
(C) Only as shown in Definitive Subdivision Plans as approved by the Community Planning and Development Commission consistent with Paragraph 6.2.1.1.						
(D) May not be larger than 75 square feet, if more than one business occupies the lot. See Section 6.2.6.4.						
(E) If the minimum distance from the building wall on which the sign is mounted is less than 100 feet from the centerline of the street which the sign faces, the maximum sign area shall be equal to 2 square feet per linear foot of said wall occupied by the establishment to which the sign relates; if such distance is more than 100 feet, maximum sign area shall be equal to 4 square feet per linear foot of said wall so occupied.						
(F) No wall sign for any non-residential establishment shall exceed a sign area equal to 2 square feet per linear footage of length of the front wall of the building occupied by the establishment to which the sign relates.						
(G) Real Estate Signs in the Industrial Zoning Districts are allowed one sign per business with a maximum sign area equal to 2 square feet per linear foot of said wall occupied by the establishment to which the sign relates without a sign permit.						
(H) Projecting/Blade Signs shall be at least eight (8) feet from the ground and may project no more than four (4) feet from the structure.						
(I) A Special Permit may be granted by the CPDC. See Section 6.2.9 for Special Permit Criteria.						
(J) Free-standing signs shall be permitted only where the principal business entrance is located more than 40 feet from the centerline of the street in front of the lot. CPDC may waive the 40' business entrance setback requirement for signs in existence as of the effective date of this amendment. See Section 6.2.9.a. for Special Permit Criteria						

Or take any other action with respect thereto.

Community Planning and Development Commission

Background: The changes being proposed under Article 22 will allow larger temporary signs for construction and redevelopment sites as an exempt use which does not require a permit. The change was initiated by the Economic Development Committee through their work with the business community. This work identified the need for increasing the dimensional allowance for this type of exempt signage.

Article 22 proposes increasing the maximum sign area for temporary construction/redevelopment signs from 16 square feet to 32 square feet or 10 feet in any dimension. The number of temporary construction/redevelopment signs allowed is limited to one.

Finance Committee Report: No report.

Bylaw Committee Report: The Bylaw Committee recommends this Article by a vote of 5-0-0.

CPDC Report: At a meeting on September 12, 2011, on a motion made by Mr. Tuttle, seconded by Mr. Safina, the CPDC approved Article 21 (Signs) as modified be recommended to be on the Warrant for Subsequent Town Meeting by a vote of 4-0-0.

ARTICLE 23 To see if the Town will vote to amend the Town of Reading General Bylaw by adding a new section as follows:

8.10 Maintenance of Vacant Buildings and Land

All vacant structures and vacant land within the Town of Reading shall be maintained in a safe, secure and clean condition so as not to compromise the health, safety and general welfare of the community.

8.10.1 Definitions:

For purposes of this bylaw the following definitions shall apply:

8.10.1.1 Building

A structure enclosed within exterior walls or firewalls, built, erected, or framed of any materials, and fixed to the ground, having a roof, to form a structure for the shelter of persons, animals or property, or the storage of commercial or industrial personal property. This bylaw shall not apply to buildings or property owned or subject to the control of the Town or any of its governmental bodies.

8.10.1.2 Owner

A person, entity, service company, property manager or real estate broker, who alone or severally with others:

- has legal or equitable title to any building, structure or parcel of land, vacant or otherwise; or
- has care, charge or control of any building or structure, parcel of land, vacant or otherwise, in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or
- is a mortgagee in possession of any such property; or

- is an agent trustee or other person appointed by the courts and vested with possession or control; or
- is an officer or trustee of the association of unit owners of a condominium; each such person being bound to comply with the provisions of these minimum standards as if he were the owner; or
- is a trustee who holds, owns or controls mortgage loans for mortgage backed securities transactions and has initiated a foreclosure process.

8.10.1.3 Vacant

Buildings or property that are unoccupied for a period greater than one hundred eighty (180) days by a person or persons with legal right to occupancy thereof.

8.10.2 Minimum Maintenance Requirements

Owners of vacant properties must fulfill the following minimum adequate maintenance requirements for any such property they own:

- Maintain vacant properties in accordance with all applicable local and state Sanitary Codes, Building Codes and Fire Codes.
- Secure vacant properties to prevent unauthorized entry and exposure to the elements.
- Maintain vacant properties in a manner that ensures their external/visible maintenance, including but not limited to the maintenance of major systems, the removal of trash and debris, and the upkeep of lawns, shrubbery, and other landscape features.
- Remove graffiti, carvings or markings from all structures, signs, walls and fences.
- Repair or replace broken windows or doors within thirty (30) days. Boarding up any doors or windows is prohibited except as a temporary measure for no longer than thirty (30) days.
- For properties vacant for six months or more, the utilities for which have been shut off, remove or cut and cap such utilities to prevent accidents.
- Maintain free from the storage of any junked, wrecked, or abandoned vehicles.

Compliance with this section shall not relieve the owner of any applicable obligations set forth in any other codes, regulations, covenant conditions or restrictions, and/or homeowner or condominium association rules and regulations.

8.10.3 Notice of Failure to Maintain Property

Upon identifying a property as failing to meet the minimum maintenance requirements set out in section 8.10.2, the Building Inspector may notify the owner in writing at the owner's last known address of maintenance deficiencies. If any maintenance deficiency is not corrected within 30 days of said notice, or if a maintenance plan is not approved by the Building Department within 30 days of said notice, the Town may impose a penalty in accordance with the provisions of this bylaw.

8.10.4 Inspections

The Building Department, the Board of Health, the Chief of the Police Department and the Chief of the Fire Department, or their designees, shall have the authority to periodically inspect any property reasonably understood to be a vacant property for compliance. The Building Department shall have the discretion to determine when and

how such inspections are to be made, provided that the time and manner of such inspections are reasonably calculated to ensure that this bylaw is enforced.

8.10.5 Penalties

Violations of this bylaw, including violations of any regulation promulgated hereunder, or failure to comply with a maintenance plan approved by the Building Department, shall be punishable by a fine of one hundred dollars (\$100.00) for each day during which the violation continues. In addition to any other means of enforcement, the provisions of this bylaw may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and M.G.L. Chapter 40, Section 21D. For the purposes of such non-criminal disposition, the "enforcing person" shall mean the Building Inspector, the Health Director, the Police Department, the Fire Department, or their designee.

8.10.6 Enforcement

The Building Department or its designee, the Board of Health, Fire Department and/or the Police Department or their designees(s) shall enforce all provisions of this bylaw; including any regulation promulgated hereunder, and shall institute all necessary administrative or legal action to assure compliance.

8.10.7 Unsafe Buildings

If the Building Inspector determines the building to be unsafe, he may act immediately in accordance with the State Building Code to protect public safety. Furthermore, nothing in this bylaw shall abrogate the powers and/or duties of municipal officials to act pursuant to any general statutory authority including, without limitation, M.G.L. c.139, §1 et seq. and M.G.L. c.143, §6 et seq.

or take any other action with respect thereto.

Board of Selectmen

Background: The Town is faced with a significant number of sometimes very visible incidences of inadequately maintained property, in some cases related to the poor economy and foreclosures. There is currently no legal authority or ability of the Town to require appropriate maintenance of property under Town bylaws or state statute. Increasingly communities are turning to property maintenance bylaws or ordinances to address this concern.

The Town receives a growing number of complaints from other property owners about the condition of some of these properties, and it is frustrating to Town employees and residents when the Town cannot take any action to remedy these situations.

The "minimum maintenance requirements" as detailed in section 8.10.2 are not onerous and are the minimum levels of property maintenance that any abutting property owner would expect of the maintenance of their neighbor's property.

Finance Committee Report: No report.

Bylaw Committee Report: The Bylaw Committee concurs with the intent of this Article to deal with inadequately maintained properties. After review, we further concur that the Article would not impose an undue burden on property owners to meet "minimum maintenance requirements". The Bylaw Committee recommends this Article by a vote of 3-0-0.

ARTICLE 24 To see if the Town will vote to amend Section 7.1 of the Town of Reading General Bylaw as follows (note – ~~cross through~~ represents language to be eliminated and **bold** represents new language, and all section numbers are in accord with the proposed recodified General Bylaw):

Delete the last sentence of the second paragraph of Section 7.1.4 and substitute therefore

"The critical wetland-related terms used in this bylaw and regulations adopted pursuant hereto shall be defined in regulations promulgated under this bylaw"

and delete Sections 7.1.4.1 through 7.1.4.11, so that Section 7.1.4 reads as follows

7.1.4 Concurrent Notice and Hearings to Meet State Law Requirements

The same Notice of Intent, plans and specifications required to be filed by an applicant under M.G.L. Chapter 131, Section 40 will be accepted as fulfilling the applicable requirements of this bylaw. The Conservation Commission may adopt and impose project review changes in accordance with regulations adopted pursuant hereto. Town projects are exempt from review fees under Section 7.1.14.

All hearings and public meetings held under M.G.L. Chapter 131, Section 40 when it applies, and under this bylaw shall be held simultaneously, whenever possible. Definitions, time frames and procedures, not inconsistent with this bylaw or the regulations adopted pursuant hereto, set forth in said Section 40, and in the regulations promulgated by the Department of Environmental Protection, as the same may from time to time be amended, are hereby made a part of this bylaw. ~~Notwithstanding any definitions set forth in said Section 40, and in the regulations promulgated by the Department of Environmental Protection, the following definitions are hereby also made a part of this bylaw and shall control whenever there is a conflict between the different definitions:~~ **The critical wetland-related terms used in this bylaw and regulations adopted pursuant hereto shall be defined in regulations promulgated under this bylaw**

7.1.4.1 Activity

~~Shall also include the installation of any utility conduit system including but not limited to drainage, sewage and water systems; and changing of the chemical, thermal or biological characteristics of land or water.~~

7.1.4.2 Alter

~~Shall mean to impact by any activity, any area subject to protection under this bylaw.~~

7.1.4.3 Bordering Vegetated Wetland

~~Shall include any wetland that touches any creek, river, stream, whether permanent or intermittent, pond or lake, or the bank of any of the preceding resource areas.~~

7.1.4.4 Buffer Zone

~~Shall include land extending one hundred (100) feet horizontally outward from the boundary of any area subject to protection under this bylaw, except land subject to flooding or riverfront area.~~

7.1.4.5 Ditch

~~Shall mean any man-made trench or furrow that has not altered any creek, river, stream, pond or lake, or the bank of any of the preceding resource areas, or wetland.~~

7.1.4.6 Floodplain

~~Shall be synonymous with land subject to flooding.~~

7.1.4.7 Groundwater

~~Shall be synonymous with groundwater supply.~~

7.1.4.8 Stream

~~Shall mean a body of flowing water, whether permanent or intermittent, moving along a hydraulic gradient.~~

7.1.4.9 Rare Species

~~Shall also include those plant species listed as rare, threatened or endangered by the Massachusetts Division of Fisheries and Wildlife Natural Heritage Program.~~

7.1.4.10 Riverfront Area

~~Shall be as defined in 310 CMR 10.00, as amended.~~

7.1.4.11 Wetlands

~~Shall mean lands where the water table is at or near the surface or the land is covered by shallow water. This shall include swamps, wet meadows, bogs and marshes, creeks, rivers, streams, ponds and lakes. Wetlands have one or more of the following three attributes:~~

- ~~• At least periodically the land supports predominantly hydrophytic vegetation;~~
- ~~• The substrate is predominately undrained hydric soil;~~
- ~~• The substrate is saturated with water or covered by shallow water at some time during the growing season of each year.~~

And amend section 7.116 as follows:

7.1.16 Violations

No person shall remove, fill, dredge or alter any area subject to protection under the provisions of this bylaw without the required authorization, or cause, suffer or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with an enforcement order issued pursuant to the provisions of this bylaw. Each day such violation continues shall constitute a separate offense except that any person who fails to remove unauthorized fill or otherwise fails to restore illegally altered land to its original condition after giving **given** written notification of said violation to **by** the Conservation Commission shall not be subject to additional penalties under this bylaw, unless said person thereafter fails to comply with an enforcement order or order of conditions.

Or take any other action with respect thereto

Conservation Commission

Background: In the Winter of 2011, as part of a comprehensive review of financial and administrative and operational changes needed to address the gloomy financial outlook for the Town, the Town Manager proposed the elimination of the local wetland bylaw in order to simplify that area of Town government for staff, customers, and the Conservation Commission. The Conservation Commission asked that this matter be postponed in order to give the Conservation Commission time to conduct a comprehensive review of the local Wetland Bylaw, and the Wetland Regulations.

During the spring and summer of 2011 the Conservation Commission's subcommittee conducted this evaluation and submitted a report to the Board of Selectmen proposing modest revisions tot the Bylaw and more extensive revisions to the Regulations. The Conservation Commission's proposed Bylaw revisions are included in this article. The amendments tot the Rules and Regulations are subject to a revision process by the Commission this fall and winter.

In Section 7.1.5 of the Bylaw, a lengthy list of definitions of wetland-related terms could be presented. These definitions are also in the Wetland Regulations which have been developed under the mandate in the bylaws. One of the Conservation Commission goals is to make the Reading Wetland Bylaws consistent with the State regulations unless there is a specific and good reason for inconsistency. The State revises their definitions periodically based on new scientific information, review of cases, changes in the state program and similar reasons. By locking definitions into the bylaws when the State makes a change in definitions, an inconsistency can be created. It is preferable to the Conservation Commission and several wetland permit applicants that these terms be defined in the Regulations only, so that if a change is necessary based on State changes, new science or technology, or other reasons, the Conservation Commission can facilitate changes in the Regulations, in a simpler, more straightforward, and more technically based process than going before Town Meeting for a bylaw change. Thus, Conservation Commission proposes to delete the last sentence of the first paragraph in Section 7.1.5 and the entire list of definitions and have the definitions only in the Wetland Regulations. The Conservation Commission is currently revising several of the definitions in response to stakeholder input and to make them more consistent with the state definitions.

The other recommended bylaw change is much simpler. In Section 5.7.17, there is an apparent typo in the seventh line: "...after given (sic giving) written notification...". The Conservation Commission proposes to correct this typo by substituting the word giving for given.

Finance Committee Report: No report.

Bylaw Committee Report: The Bylaw Committee commends the work done by the Wetland Regulations Ad Hoc Committee. The Bylaw Committee agrees with the intent that adoption of this Article will achieve the Conservation Committee goal to make the Town Wetland Bylaw consistent with the State Regulations. The Bylaw Committee recommends this Article by a vote of 5-0-0.

ARTICLE 25 To see if the Town will vote to amend the Town of Reading General Bylaw, in the following respects (note – ~~cross-through~~ represents language to be eliminated and **bold** represents new language, and all section numbers are in accord with the proposed recodified General Bylaw):

by amending Section 2.1.1 Date of Annual Town Meeting, as follows:

The Annual Town Meeting shall be held on the third Tuesday preceding the fourth Monday in April of each year for the election of Town Officers and for such other matters as required by law to be determined by ballot. Notwithstanding the foregoing, ~~in any year in which the presidential electors are to be elected,~~ the Board of Selectmen may schedule the commencement of the Annual Town Meeting for the same date designated as the date to hold the ~~Presidential Primary~~ **any Federal or State election;**

Or take any other action with respect thereto

Finance Committee

Background: This amendment allows additional flexibility for the Board of Selectmen to schedule a local election concurrently with a Federal or State election. This provides the option to save some election expenses while also increasing local turnout when the election can be scheduled on the same date.

Finance Committee Report: The Finance Committee voted in favor of submitting this Article by a vote of 7-0-1 at their meeting on September 14, 2011..

Bylaw Committee Report: The Bylaw Committee agrees that the flexibility set forth in this Article with regard to scheduling of the election dates should save the Town funds. The Bylaw Committee sets forth that the Article is worded properly. The Bylaw Committee recommends this Article by a vote of 3-0-0.

ARTICLE 26 To see if the Town will vote to amend the Town of Reading General Bylaw, in the following respects (note – ~~cross-through~~ represents language to be eliminated and **bold** represents new language, and all section numbers are in accord with the proposed recodified General Bylaw):

by amending Section 2.2 Conduct of Town Meetings, as follows:

Rule 3 Prior to debate on each Article in a Warrant involving the expenditure of money, the Finance Committee shall advise the Town Meeting as to its **deliberations**, findings or recommendations and the reasons therefore;

by amending Section 3.3.2, Finance Committee, as follows:

3.3.2.1 Duties

The Finance Committee shall consider all matters of business included within the Articles of any Warrant which involve the expenditure, appropriation and raising or borrowing of money **or which otherwise impact the town finances;**

3.3.2.2 – Recommendations Report to Town Meeting

The Finance Committee shall make a written recommendation **report** on all Articles that it has considered, and the Town Clerk shall make said written recommendations **report** available to each Town Meeting Member at least seven (7) days prior to the first adjournment of the Annual Town Meeting, seven (7) days prior to the second Monday in November and four (4) days prior to any Special Town Meeting **as part of the “Report on the Warrant” available to each Town Meeting Member.** The said recommendations should be those of a majority of the entire Committee but recommendations may also be made by a minority of said Committee. The Committee’s report shall also state the total amount of appropriations recommended by it on the entire Warrant and the approximate tax rate based on such recommendations. **When sufficient information has been provided to take a vote, the recommendations should be those of a majority of the entire Committee. However, recommendations may also be made by a minority of said Committee in addition to the majority. The Committee’s recommendation shall include the total amount of appropriations that it recommends on each article within the Warrant.**

by inserting the following new sections:

3.3.2.3 Form of Report

The Finance Committee in making its report upon any subject referred to it shall arrange the report in clear and compact form, and shall divide it into separate propositions whenever in its judgment such divisions may be desirable. The Committee shall attach to each proposition its own recommendations **or a summary of deliberations, when applicable.**

3.3.2.4 Failure of Finance Committee to Make Recommendation

The failure of the Finance Committee to consider, recommend and/or report on any Article in the Warrant shall not affect the validity of any vote or other action taken at any Town Meeting.

and by renumbering the current Sections 3.3.2.3 and 3.3.2.4, as 3.3.2.5 and 3.3.2.6,

or take any action with respect thereto.

Finance Committee

Background: Currently the bylaws require that the Finance Committee takes a vote to approve or disapprove an article in order to provide a report to Town Meeting. Occasionally, all financial details are not available at the time that the article is initially discussed and it is impossible to provide approval or disapproval without these key details.

The Finance Committee would like to report to Town Meeting as to their deliberations and discussion related to the article but does not wish to vote against an article purely due to the lack of details as this may be misleading to Town Meeting. This change will allow Finance Committee to report on article discussions in the Warrant without voting to approve or disapprove an amendment when additional details are pending.

This article also amends the bylaws to reflect the current reporting practices of detailing the expenditures for each Warrant article individually.

After the Warrant was closed, subsequent discussions with Town Counsel identified a paragraph (noted below) that was in conflict with the current charter. Additionally, the committee removed a proposed new section related to Lack of Finance Committee Report since the goal of this article is to provide additional background to Town Meeting rather than limit reporting.

FINCOM planned to add the paragraph below to this bylaw in section 3.3.2.2. However, Town Counsel ruled that this was in conflict with the current Charter. FINCOM plans to move to amend the bylaw at the Spring Town Meeting if the Charter changes proposed at this Town Meeting are approved and voted. Additional language removed:

When in the opinion of the Committee there is insufficient information for a vote to be taken on an Article, the Committee shall instead provide a written report in the Report on the Warrant summarizing their deliberations on the Article. The Committee may vote their recommendation on the Article when such information becomes available and provide a verbal report at Town Meeting.

Finance Committee Report: The Finance Committee voted in favor of submitting this Article by a vote of 7-0-1 at their meeting on September 14, 2011. The Finance Committee discussed the updated article and voted to recommend the revised version (striking paragraph 3.3.2.4) by a vote of 7-0-0 at their meeting on October 19, 2011.

Bylaw Committee Report: The Bylaw Committee feels this Article is formally putting in place the current practice of reporting to Town Meeting by the Finance Committee. The Bylaw Committee recommends this Article by a vote of 5-0-0.

ARTICLE 27 To see if the Town will vote to amend Section 7.2, Demolition of Structures of Potentially Historical Significance, of the Reading General Bylaw, as follows (all section numbers are in accord with the proposed recodified General Bylaw):

by inserting the following new sections:

7.2.3.7 Appeal

Within seven (7) business days of the Commission's determination that a structure is a Preferably Preserved Historic Structure pursuant to Section 7.2.3.6 hereof, the property owner may appeal the determination to the Board of Selectmen by filing a written request for review with the Board of Selectmen. The request for review shall be received by the Board of Selectmen and the Town Clerk's Office within seven (7) business days of the date of the Commission's determination and a copy of the request shall be provided to the Building Commissioner and the Commission. The Board of Selectmen shall hold a public hearing and issue its determination within forty-five (45) business days from the date of said Commission's determination. Public notice of the time, place and purpose of the hearing shall be posted in a conspicuous place at Town Hall and published in a local newspaper not less than seven (7) business days prior to the date of the scheduled public hearing. Said notice shall identify the street address of the subject Building. A copy of the public hearing notice shall be mailed to the Applicant and record owner if different from the Applicant, the Building Commissioner and Commission;

7.2.3.8 Certificate of Hardship

Pursuant to M.G.L. c.40C, §10(c), in the event of an application for a Certificate of Hardship, the Commission shall determine whether, owing to the conditions especially affecting the building or structure involved, but not affecting the District generally, failure to approve an application will result in a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this bylaw. If the Commission determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant then approval thereof may be made to authorize the Building Inspector to approve the application for demolition of said property; and

by renumbering the current Sections 7.2.3.7 and 7.2.3.8 as Sections 7.2.3.9 and 7.2.3.10;

or take any other action in respect thereto.

Petition

Background: The sponsors of this Article support the desire by the town to preserve the historical character of its older structures balanced against the rights of private property owners to maintain and improve their buildings to meet their needs.

The Reading Historical Commission Bylaws currently do not allow private property owners a means to appeal property assignments to the list of Structures of Potentially Historical Significance as other Commonwealth communities provide. This Article proposes changes to the Reading Bylaw that reconcile the Town's desire to encourage preservation with the acknowledgement of property owner fundamental rights to due process and appeal.

Where land use dispute / appeals are properly addressed by the Board of Appeals, the review of appeals revolving around private property rights vs. Town interests support a senior appeals path to the elected Board of Selectmen, providing objective interpretation of community standards.

This Article also adds the existing State language entitling property owners to pursue exemptions from property inclusion on the list of Structures of Potentially Historical Significance due to personal hardship, financial or otherwise. (M.G.L c.40C, sec. 10(c) of the Historical District Act). The addition of this language into Town bylaws is intended to make citizens aware of these pre-existing rights.

Town Counsel has advised that the motion under this article should omit the language in proposed section 7.2.3.8 that references MGL c 40 S 10(s), and the language regarding affecting the District generally so that that paragraph reads as follows:

7.2.3.8 Certificate of Hardship

Pursuant to ~~M.G.L. c.40C, §10(e)~~, in the event of an application for a Certificate of Hardship, the Commission shall determine whether, owing to the conditions especially affecting the building or structure involved, ~~but not affecting the District generally~~, failure to approve an application will result in a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this bylaw. If the Commission determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant then approval thereof may be made to authorize the Building Inspector to approve the application for demolition of said property; and

Finance Committee Report: No report.

Bylaw Committee Report: The Bylaw Committee feels that the changes to the Historical Demolition Bylaw as set forth in this Article are flawed. The Bylaw Committee feels that the stated intent of the petitioners has not been met by the proposed wording of the article.

The Bylaw Committee strongly states that the intent and the wording of the Article should be deferred by Town Meeting at this time and that the intent should be reworked. The Bylaw Committee further strongly suggests that any reworking of this article be done in conjunction with all interested parties particularly the Historical Commission. The Bylaw Committee does not recommend this Article by a vote of 0-5-0.

ARTICLE 28 To see if the Town will vote, pursuant to Section 8-1 of the Reading Home Rule Charter, to amend Article 5, Town Manager, Section 5-1: Appointment, Qualifications, Term, so that it reads as follows (language with ~~strikethrough~~ shows deletions/words in **bold** denotes new language)

The Board of Selectmen shall appoint a Town Manager ~~without term~~ **and may enter into a contract with the Town Manager not exceeding three (3) years in length**, and **shall** fix his compensation within the amount annually appropriated for that purpose. The Town Manager shall not be subject to a personnel bylaw, if any. The Town Manager shall be appointed solely on the basis of his executive and administrative qualifications. He shall be a professionally qualified person of proven ability, especially fitted by education, training and previous experience. He shall have had at least five (5) years of full-time paid experience as a City or Town Manager or Assistant City or Town Manager or the equivalent level public or private sector experience.

The terms of the Town Manager's employment shall be the subject of a written **contract** agreement setting forth his **tenure**, compensation, vacation, sick leave, benefits, and such other

matters (excluding tenure) as are customarily included in an employment **contract** ~~agreement~~. While serving as Town Manager he shall devote full time to the office and (except as expressly authorized by the Board of Selectmen) shall not engage in any other business or occupation and (except as expressly provided in the Charter) shall not hold any other public office, elective or appointive, in the Town.

With the approval of the Selectmen, he may serve as the Town's representative to regional boards, commissions and the like but shall not receive additional salary from the Town for such services.

or take any other action with respect thereto.

Board of Selectmen

Background: The Reading Home Rule Charter does not currently permit the Board of Selectmen to enter into an employment contract with the Town Manager. The incumbent Town Manager, who is the first person to serve as Town Manager under the Charter, has an employment agreement with the Town which specifies the conditions of his employment, but the employment agreement does not specify the tenure or term of employment. This provision in Reading's Charter is unique in Massachusetts, and is highly unusual in the profession.

Most senior management personnel in organizations including Towns have a contract which includes the term of the employment. In Reading, for example, the Superintendent of Schools has a 3 year employment contract, and the General Manager of the Reading Municipal Light Department has a 1 year contract that also renews automatically for a one year period unless the Board gives notice not to renew.

While this has not been an issue with the incumbent Town Manager, the lack of the ability to enter into an employment contract with a specific term may hinder recruitment efforts when the incumbent Town Manager retires. The proposed Charter amendment would permit the Board of Selectmen to enter into an employment contract of up to 3 years, which is standard practice in the profession.

This Charter amendment would not affect the current Town Manager – he is not seeking an employment contract with the Town.

Finance Committee Report: No report.

Bylaw Committee Report: The Bylaw Committee agrees with the intent of this Article and states it is worded properly. The Bylaw Committee recommends this Article by a vote of 3-0-0.

ARTICLE 29 To see if the Town will vote, pursuant to Section 8-1 of the Reading Home Rule Charter, to amend Article 7, Finances and Fiscal Procedures, Section 7-2: Submission of Proposed Budget, paragraph 1, so that it reads as follows: (language with ~~striketrough~~ shows deletion/language in **bold** denotes new language)

At least four (4) months before the start of the fiscal year, **and following consultation with the Board of Selectmen on the Municipal Government portions of the budget**, the Town Manager shall submit to the Finance Committee a proposed budget for the ensuing fiscal year with an accompanying budget message and supporting documents. He shall simultaneously provide for the publication in a local newspaper of a general summary of the proposed budget, and a notice stating the times and places where complete copies of his proposed budget shall be available for examination by the public.

or take any other action with respect thereto.

Board of Selectmen.

Background: The Reading Home Rule Charter does not currently contain language that outlines any role for the Board of Selectmen in the budget process. Over the 25 years since the Charter went into effect, a budget process has evolved whereby the Town Manager, who is responsible for the development and submission of the entire Town Budget, consults with the Board of Selectmen on the municipal portions of the budget prior to finalizing and submitting the budget to the Finance Committee. This Charter amendment memorializes that process.

Finance Committee Report: This Article formalizes a process that is in general practice. It is a prudent policy to include a formal role for our elected officials in the Charter related to the creation of the annual budget. The Finance Committee voted in favor of this Article by a vote of 6-0-1 at the meeting on October 19, 2011.

Bylaw Committee Report: The Bylaw Committee agrees with the intent of this Article and states it is worded properly. The Bylaw Committee recommends this Article by a vote of 3-0-0.

ARTICLE 30 To see if the Town will vote pursuant to Section 8-1 of the Reading Home Rule Charter to amend Section 2-12, Establishment of Standing Committees, the third paragraph under Finance Committee, as follows (new language in **bold**):

The Finance Committee shall have all the powers and duties granted to Finance Committees under the laws of the Commonwealth, Town bylaws, Town Meeting vote and other applicable laws. In addition to these powers, the Finance Committee shall have the power to investigate the books, accounts, records and management of any office, board or committee in Town, and may use agents in carrying out such investigations. The Finance Committee shall report **on its deliberations**, findings, approval or disapproval on all Articles that involve the expenditure of funds in the Warrant in writing at least seven (7) days before Town Meeting. Such a report shall not preclude further action or reconsideration by the Finance Committee, or take any other action in respect thereto.

Finance Committee

Background: Currently the charter does not allow the Finance Committee to provide a report in the Warrant without first taking a vote to approve or disapprove the article. Occasionally, all financial details are not available at the time that the article is initially discussed and it is impossible to provide approval or disapproval without these key details.

The Finance Committee would like to report to Town Meeting as to their deliberations and discussion related to the article but does not wish to vote against an article purely due to the lack of details, as this may be misleading to Town Meeting. This change will allow Finance Committee to report on article discussions in the Warrant without voting to approve or disapprove an amendment when additional details are pending.

Finance Committee Report: The Finance Committee voted in favor of submitting this Article by a vote of 7-0-1 at their meeting on September 14, 2011.

Bylaw Committee Report: The Bylaw Committee feels this Article is formally putting in place the current practice of reporting to Town Meeting by the Finance Committee. The Bylaw Committee recommends this Article by a vote of 5-0-0.

ARTICLE 31 Warrant Article Title: Amendment of Section 2-15, Referendum Procedure, of the Reading Home Rule Charter

To see if the Town will vote, pursuant to Section 8-1 of the Reading Home Rule Charter, to amend Section 2-15: Referendum Procedures, subsection (b) Form of Referendum Petition/Ballot Question, so that it reads as follows: (language with strikethrough shows deletions/words in **bold** denotes new language.)

No final affirmative vote of a Town Meeting on any Warrant Article shall be operative until after the expiration of ~~seven (7)~~ **ten (10) calendar** days following the dissolution of the Town Meeting except the following: (a) a vote to adjourn or dissolve, (b) votes appropriating money for the payment of notes or bonds of the Town and interest becoming due within the then current fiscal year, (c) votes for the temporary borrowing of money in anticipation of revenue, or (d) a vote declared by preamble by a two-thirds vote of Town Meeting to be an emergency measure necessary for the immediate preservation of the peace, health, safety or convenience of the Town. If a referendum petition is not filed within the said ~~seven (7)~~ **ten (10) calendar** days, the votes of the Town Meeting shall then become operative.

(a) Referendum Petition – If, within said ~~seven (7)~~ **ten (10) calendar** days, a referendum petition signed by not less than three (3) percent of the voters certified by the Registrars of Voters containing their names and addresses is filed with the Board of Selectmen requesting that any question affirmative vote of Town Meeting be submitted to the voters in the form of a ballot question, such ballot question to be in the form required in (b) herein, to the voters, then the operation of the Town Meeting vote shall be further suspended pending its determination as provided below. The Board of Selectmen shall, within ten (10) days after the filing of such referendum petition, call a Special Election that shall be held within thirty (30) days or such longer period as may be required by law after issuing the call, for the purpose of presenting to the voters any such ballot question.

If, however, a regular or Special Election is to be held not more than sixty (60) days following the date the referendum petition is filed, the Board of Selectmen may provide that any such ballot question be presented to the voters at that Election.

(b) Form of Referendum Petition/Ballot Question - Each ballot question submitted shall appear at the top of each referendum petition and shall be presented in the following form which shall be placed on the official ballot: - "Shall the Town vote to approve the action of the representative Town Meeting whereby it was voted on (insert date of town meeting) to (insert complete language of the vote in the same form in which it was stated when presented by the Moderator to the Town Meeting, and as it appears in the records of the Clerk of the meeting)?"

The form of the referendum petition shall in conformance with this section.

The circulator(s) of the referendum petition may make additional copies of the petition form, but such copies must be an exact duplicate thereof. **Petition forms must be exact duplicates for the signatures to be certified and count toward the three percent of registered voters.** The petition form may not be altered in any way. **Alterations of the petition form will result in the invalidation of all signatures contained on that petition form.**

No extraneous markings, such **defined** as underlines, highlighting, erasures, marking out or insertion of words, **or alteration of the wording or emphasis of the petition question**

~~or informational language are allowed. or other information, are allowed, on any area of the petition form. Extraneous marks that may result in the invalidation of all signatures contained on that petition form are limited to marks that will fundamentally change the substance, wording or emphasis of the petition or the ability of the Board of Registrars of Voters to verify information on that petition form. Any such extraneous markings on, or alterations of the petition form, or copies of the petition form that are not exact duplicates, will result in the invalidation of all signatures contained on that petition form. Extraneous markings do not include signatures or addresses.~~

Each petition form shall include language informing voters that additional markings will disqualify the signatures on the petition form; that for their signature to be valid, they must be a registered voter of the Town of Reading; that their signature shall be written as they are registered; that they should not sign the petition more than once; and that if they are prevented by physical disability from writing, that they may authorize some person to write their name and residence in their presence. The back of each petition form where signature lines appear, shall include the following instruction: "ATTENTION VOTERS: Before signing, read signer information on the other side".

The Town Clerk shall upon request produce suitable Town referendum petition/ballot question forms, compliant with section b requirements and prepared with the ballot question language as appears in the records of the Clerk of the meeting. At the requester's option, the Clerk shall within 4 business hours following the original request make 5 paper copies available for pickup at the Town Clerk's service window, or shall send an email containing an Adobe PDF document attachment of the form. A referendum petition produced by the Town Clerk shall be deemed compliant with section (b) form conformance requirements in later examinations.

In addition to the certification of signatures on the petition form, the Board of Registrars of Voters shall examine the petition forms for extraneous markings, and determine whether they are exact copies; or take any other action in respect thereto.

Petition

Background: The Reading Home Rule Charter requires that referendum petitions submitted be free of 'extraneous marks', be identical in appearance, be produced with specific marking, language and construction, and be returned within 7 business days following dissolution of Town Meeting, otherwise the petition and/ or its signatures are considered invalid.

The sponsors of this article support compliant, clear and timely petitions. To avoid petition and petitioner disqualification from potential differences in document appearance and marking, and to clarify the interpretation of dates, the sponsors of this article propose a set of clarifications.

This article will strengthen existing referendum petition conduct by minimizing undesirable or unintentional sources of error, simplify the process of citizens obtaining a proper petition, and amend the section language to bring Town petition practices more aligned with State practices.

Finance Committee Report: No report.

Bylaw Committee Report: The Bylaw Committee feels the adoption of this Article will make the referendum procedures stronger and thus it will be clearer and easier to follow the requirements. The Bylaw Committee recommends this Article by a vote of 3-0-0.

ARTICLE 32 To see if the Town will vote pursuant to Section 8-1 of the Reading Home Rule Charter to amend Article 8, General Provisions, by inserting the following new section:

Section 8-16: Term Limits of Appointed Boards, Committees and Commissions

No volunteer member of an appointed board, committee or commission shall serve more than three (3) consecutive three (3) year terms on any individual board, committee or commission. The Chairmanship of all boards, committees and commissions shall rotate among the membership on an annual basis with no person serving two consecutive, one year terms as Chairperson or, more than three years as Chairperson throughout their term of service on that specific board, committee or commission; and

by renumbering the current Sections 8-16 as Section 8-17;

or take any other action in respect thereto.

Petition

Background: Currently there are not consistent term limits for Reading volunteer Boards, Committees and Commissions. Some organizations have term limits defined but many do not have any direction regarding the length of time an individual may serve. It is in the best interest of the town to have dynamic, vibrant organizations made up of individuals with an interest in serving the community and a passion for their area of interest. At the same time, it is beneficial to the town for these groups to periodically refresh membership to experience new ideas and revitalize the mission of the organization. Rotating chair responsibilities ensures that each Board, Committee or Commission can accommodate changes over time.

There is concern that there will not be enough volunteers if current long standing members are not allowed to continue on their Committees indefinitely. Today it can be a challenging to serve on certain Committees due to a lack of membership turnover. This can be discouraging for volunteers and may serve to dissuade them from seeking alternative appointments. If Board members are aware that there is a limit to their service for an organization they are passionate about, they will recruit individuals with similar interest to replace them over time.

Boards, Committees or Commissions that are not fully staffed and show a recurring lack of interest should be assessed periodically to see if their mission is still critical to town operations. There may be an opportunity to change the mission of the group or to consolidate responsibilities with other organizations that retain ongoing volunteer interest.

Finance Committee Report: No report.

Bylaw Committee Report: Town of Reading Board and Committees are staffed by volunteers who dedicate their time and energies to making the Committee process work. Boards and Committees are the backbone of our local government. Appointed Committee members are subject to reappointment every three years or less.

At present there are 31 members of appointed Committees who have served more than 9 years, which would exceed the term limit set forth if this Article is adopted. These 31 members bring a great deal of experience and expertise to their service on Committees. Many of these members are in leadership positions. In many cases, newer members of appointed Committees look to these members for guidance. The Bylaw Committee feels that if term limits were adopted many of these more experienced members could choose to end their service to the Town.

The petitioners state that the intent of the Article is to foster greater volunteerism to the appointed Boards and Committees. The Bylaw Committee does not agree that the intent of the

petitioners will be achieved by adopting this Article. There are a great many more work and family pressures on individuals today. Volunteerism is down across many spectrums in this State and country. The Bylaw Committee feels that if this Article is adopted that the result will be less people available to serve, not more.

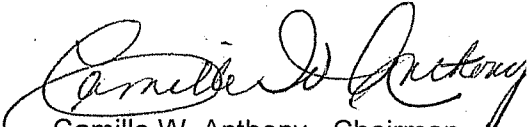
The Bylaw Committee is further concerned that the adoption of this Article could exclude members from serving who bring specific skills, expertise and knowledge on subjects related to specific needs of the Committees they serve on.

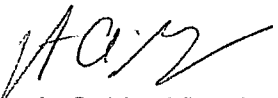
With regard to the rotation of the Committee Chair, the petitioners state the intent is so that one member of an appointed Committee does not dominate the Committee. The Bylaw Committee feels the reappointment process plus actions of the other members of the particular committee involved should be used to address any dominance if this is a problem. The Bylaw Committee does not recommend this Article by a vote of 0-5-0.

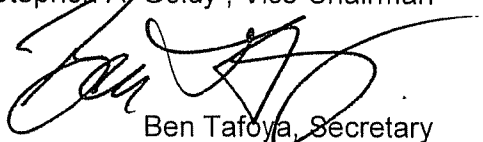
and you are directed to serve this Warrant by posting an attested copy thereof in at least one (1) public place in each precinct of the Town not less than fourteen (14) days prior to November 14, 2011, or providing in a manner such as electronic submission, holding for pickup or mailing, an attested copy of said Warrant to each Town Meeting Member.

Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk at or before the time appointed for said meeting.

Given under our hands this 27th day of September, 2011.


Camille W. Anthony, Chairman



Stephen A. Goldy, Vice Chairman


Ben Tafoya, Secretary

Richard W. Schubert


James Bonazoli

SELECTMEN OF READING


Thomas H. Freeman Constable

**Town of Reading Municipal Light Department
Annual Report to Subsequent Town Meeting, November, 2011**

In FY11 the RMLD sold 709 million kilowatts of electricity, a 3.6% increase from FY10. The peak demand in FY11 was 168.4 megawatts, which occurred in July, 2010 and was 8.1% higher than the previous year's peak demand of 155.8 megawatts.

Fuel costs for FY11 were \$39.5 million, which was 2.12% lower than the previous year mostly due to the decrease in the fossil fuel market.

The RMLD makes voluntary payments to the four towns in its service territory based on each town's percentage of kilowatt hour sales. In addition, the RMLD makes a return-on-investment payment to the Town of Reading. In FY11, the RMLD returned a combined total of \$2.44 million to Reading.

The RMLD completed the Transformer Upgrade Project at the Gaw Sub Station. During this project the RMLD discovered soil contamination at the Gaw Sub Station in FY10. The soil remediation project has been completed at a total cost of \$2.5 million. The new transformers will increase the firm capacity of the substation by 40 MVA or about 50%, which will assist in meeting future load requirements and system reliability.

The RMLD Energy Conservation Program saved the RMLD approximately 802 kW in FY11 at a cost of \$350,625. Since its inception in 2003 the RMLD has saved an estimated 5,172 kW at a cost of \$979,828. It is anticipated this program will save the RMLD approximately \$13.5 million over the next twenty years in reductions in capacity and energy.

The RMLD signed agreements for renewable energy resources with two companies. The RMLD has agreements in place with Swift River Trading Company, LLC to receive power from four hydroelectric dams in Western Massachusetts that totals about 7 MW.

The RMLD also signed a power supply agreement with Concord Power and Steam, LLC located in Concord, NH for 5 MW of output from a biomass generating station that supply steam to the city of Concord and electricity to several municipal electric utilities.

The RMLD discontinued payment on a contract with NSTAR in 2011. Bills from NSTAR were being billed at an incorrect rate since 2003. Under the agreement; the RMLD was able to recover seventeen months of billings. The RMLD is exploring legal channels to recover the billings between 2003 through 2009.

Additional information on our capital projects and financial status is available in our FY11 Annual Report, which is being distributed this evening.

November 2011 Town Meeting - Summary of Changes to Capital & Debt

General Fund (Articles 3 & 4 & 5)

School Fac.	Building study	\$	50,000	study alternatives - early childhood space needs
School Fac.	Carpet/flooring Birch Meadows	\$	24,000	floor failing due to old steam leak (leak repaired)
Dispatch	Local share of \$50k project	\$	10,000	tie in equipment with existing technology
DPW	West Street to 100% design*	\$	55,500	moved up from FY14
DPW	Road improvements**	\$	231,000	Neighborhood repairs (*if 40R funds)
DPW	Curb/sidewalk**	\$	50,000	Pedestrian safety (*if 40R funds)
		\$	420,500	From sources listed below:
		\$	55,500	*Transfer from other debt (Article 4)
		\$	84,000	From revenues & reduced expenses (Art. 5)
		\$	281,000	**From 40R Stabilization Fund (Art. 5)

The general fund capital plan and debt schedule are listed on the following blue pages.

Above are the proposed changes to both from last April's Town Meeting for FY12.

Additional changes to FY13 and beyond are described in Article 3, but have no financial impact now.

Enterprise Funds (Articles 3 & 5 & 8)

Water	Transfer from debt to capital	\$	228,500	Move to Howard St. project
Water	Additional capital	\$	186,000	To complete Howard St. project
Water	Hydraulic Study - 2nd Connector	\$	64,000	shifted from FY13
		\$	250,000	From water reserves (Art. 5)

The enterprise funds capital plans and debt schedules are also listed on the following blue pages.

Above are the proposed changes to both the water capital plan and debt schedule for FY12.

Additional changes for all three Enterprise Funds for FY13 and beyond are described in Article 3.

Town of Reading, MA		FY-2011	FY-2012	FY-2013	FY-2014	FY-2015	FY-2016	FY-2017	FY-2018	FY-2019	FY-2020	FY-2021	FY12-21
Schools - General Building Study (NEW) Modular Classrooms (NEW) Technology - large scale projects Vehicles - replace 1999 3/4 ton Chevy pickup 4WD													
		-	50,000	517,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	1,167,000
			50,000	400,000									
				75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	675,000
				42,000									42,000
Buildings - Schools (Total)	20,000	147,000		12,000	130,000	501,000	568,000	312,000	63,000	1,519,000	710,000	26,000	3,988,000
Buildings - Schools (Energy)	-	74,000	12,000	12,000	12,000	-	42,000	158,000	-	15,000	25,000	26,000	364,000
Buildings - Schools (non Energy)	20,000	73,000	-	118,000	501,000	501,000	526,000	154,000	63,000	1,504,000	685,000	-	3,624,000
Energy (Performance Contracting)		various items financed by DEBT for 15yrs											
Electrical Systems	Sch	-	50,000	-	-	-	-	-	-	-	-	-	50,000
HVAC/Energy Mgmt Systems	Sch	-	-	12,000	12,000	-	22,000	158,000	-	15,000	25,000	26,000	270,000
Windows & Doors	Sch	-	24,000	-	-	-	20,000	-	-	-	-	-	44,000
Generators	Sch	-	-	-	-	-	-	-	-	-	-	-	-
Technology Infrastructure	Sch	-	-	-	-	-	-	-	-	-	-	-	-
Water Heater	Sch	-	-	-	-	-	-	-	-	-	-	-	-
ADA Compliance	Sch	-	-	-	-	-	-	-	-	-	-	-	-
Ceilings	Sch	-	-	-	-	-	-	-	-	-	-	-	-
Classroom Furniture	Sch	-	-	-	-	-	-	-	14,000	-	-	-	14,000
Compressors	Sch	-	-	-	-	-	-	-	-	-	-	-	-
Fire Alarms	Sch	-	-	-	-	-	-	-	-	-	-	-	-
Cateteria Equip. & Furniture	Sch	-	-	-	18,000	-	-	-	-	-	-	-	18,000
Plumbing	Sch	-	-	-	-	-	-	-	-	-	-	-	-
Capet/Flooring	Sch	-	48,000	-	90,000	109,000	134,000	104,000	49,000	-	-	-	534,000
Roofing	Sch	-	-	-	-	392,000	392,000	-	-	1,504,000	685,000	-	2,973,000
Security System	Sch	20,000	-	-	-	-	-	-	-	-	-	-	-
Fire Suppression System	Sch	-	-	-	-	-	-	-	-	-	-	-	-
Other	Sch	-	25,000	-	10,000	-	-	50,000	-	-	-	-	85,000

[illegible]

Town of Reading, MA	FY-2011	FY-2012	FY-2013	FY-2014	FY-2015	FY-2016	FY-2017	FY-2018	FY-2019	FY-2020	FY-2021	FY12-21
Finance					60,000							120,000
Technology - virtualization project				60,000	60,000							
Library					10,000	10,000	10,000	10,000	10,000	10,000	10,000	70,000
Furnishings & Shelving (\$20k/yr - hold for renovation decision)												
Circulation System (\$100k - hold for renovation decision)												
Equipment					10,000	10,000	10,000	10,000	10,000	10,000	10,000	70,000
Renovation (\$12mil project-NEW)				Debt Excl	Debt Excl	Debt Excl	Debt Excl	Debt Excl	Debt Excl	Debt Excl	Debt Excl	
Public Safety - Fire												
Pumper Eng #1(2010-\$525k; next FY30)	255,000	14,000	36,000	155,000	69,000	654,000	316,500	90,600	150,000	849,000	339,000	2,673,100
	Debt	Debt	Debt	Debt	Debt							
Pumper Eng #2(2007-\$410k; next FY25)												
	Debt	Debt	Debt									
Pumper Eng #3(1995: est \$630k FY16)						630,000						630,000
Pumper Eng #4(2001: est \$804k FY20)										804,000		804,000
Ladder Trk #1(2008: \$800k, next FY27)												
	Debt	Debt	Debt	Debt	Debt		Debt	Debt				
Ambulance #1 (2000- 10 yrs)	230,000										294,000	294,000
							275,000					275,000
Ambulance #2 (2006 - 10yrs)												
Patient Care Reporting System	25,000											
Passenger Car#1 (2005 - 10yrs)							41,500				45,000	45,000
Passenger Car#2 (1997 - 10yrs)												
Pickup Truck #3 (2006 - 12yrs)								45,600				45,600
Pickup Truck #4 (1996 - 12yrs)			35,000									36,000
Alarm Truck (1994 - 16yrs)					69,000							69,000
ALS Defibrillator (2006 - 5yrs)						24,000						24,000
BLS-AED (2004 - 8yrs)												
Rescue Tool(2006 - 12yrs)												
Breathing Air Bottles		14,000						45,000				45,000
Thermal Imaging (2010 - 10yrs)										45,000		45,000
Fire Hose				25,000								25,000
				130,000								
Turnout Gear (2008 - 5yrs)									150,000			280,000
Public Safety - Police/Dispatch												
Handguns & Associated Leather (Police)	-	10,000		35,000	-	-	20,000	-	45,000	-	400,000	510,000
Vehicle Video Integration									10,000			10,000
Radios (Police & Fire 2010 - 10yrs)				35,000					35,000		400,000	400,000
Dispatch local share		10,000										10,000
AEDs							20,000					20,000

[illegible]

[illegible]

Town of Reading, MA												
	FY-2011	FY-2012	FY-2013	FY-2014	FY-2015	FY-2016	FY-2017	FY-2018	FY-2019	FY-2020	FY-2021	FY12-21
Public Works - Parks & Cemetery												
Design - Maintenance Building \$60k												
Cem garage - design \$100k (in Town Facilities FY13)	45,000	45,000	75,000	778,000	295,000	200,600	545,000	730,600	1,450,800	767,000	45,000	4,932,000
Cem garage - \$1.5mil (debt FY14-18)												
Public Works - Grounds												
Fence Replacement			30,000	50,000	20,000	50,000	20,000	50,000	20,000	50,000	20,000	310,000
Parking Lot Pavement			30,000	50,000	20,000	50,000	20,000	50,000	20,000	50,000	20,000	110,000
Cold storage building - design \$50k (in Town Facilities FY14)												200,000
Cold storage building - \$1.5mil (debt FY15-19)												
Public Works - Roads												
Over-ride local share (previous)	355,952	364,851	373,972	383,321	392,904	402,727	412,795	423,115	433,693	444,535	455,648	4,087,560
Over-ride (new schedule A+B)	425,000	450,000	500,000	550,000	600,000	650,000	700,000	750,000	800,000	850,000	900,000	6,750,000
Additional one-time		286,000										
Roads - general fund	558,000	811,500	535,000	575,000	625,000	675,000	750,000	800,000	850,000	900,000	950,000	7,471,500
Various Streets/Ch. 90 funds	450,000	597,663	600,000	600,000	600,000	600,000	600,000	600,000	600,000	600,000	600,000	5,997,663
Specific Projects/grants				7,500,000								
Total Road Budget	1,008,000	1,409,163	1,135,000	8,675,000	1,225,000	1,275,000	1,350,000	1,400,000	1,450,000	1,500,000	1,550,000	13,469,163
Street Signs												
Sidewalk/Curb/Ped. SA	10,000		10,000									10,000
Skim Coating & Crack Seal Patch	40,000	75,000	25,000	25,000	25,000	25,000	50,000	50,000	50,000	50,000	50,000	425,000
Downtown Improve (\$650k 10yr bond)	A	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	500,000
Repair Killam parking lot												
Reconstruction: West Street	83,000											
West Street design (\$155k)		55,500		7,500,000								7,500,000
West Street - Local share (\$480k)				99,500								155,000
Additional Street projects					240,000	240,000						480,000
Various Streets/General Fund	B	375,000	450,000	400,500	310,000	360,000	650,000	700,000	750,000	800,000	850,000	5,670,500
Various Streets/Chapter 90		597,663	600,000	600,000	600,000	600,000	600,000	600,000	600,000	600,000	600,000	5,997,663
Total Road Repair Capital	1,008,000	1,409,163	1,135,000	8,675,000	1,225,000	1,275,000	1,350,000	1,400,000	1,450,000	1,500,000	1,550,000	20,969,163

Town of Reading, MA		FY-2011	FY-2012	FY-2013	FY-2014	FY-2015	FY-2016	FY-2017	FY-2018	FY-2019	FY-2020	FY-2021	FY12-21
Public Works - Parks		45,000	45,000	45,000	728,000	275,000	150,600	525,000	680,600	1,430,800	717,000	25,000	4,622,000
Tennis Courts - Bancroft Ave. \$485k	Debt		Debt	Debt									-
Artificial Turf@Parker MS \$736k	Debt		Debt	Debt							150,000		150,000
Coolidge MS field upgrade (grass)								250,000					250,000
Reconstruct Playgrounds Program	30,000	45,000	45,000	45,000	45,000	45,000	25,000	25,000	25,000	25,000	25,000	25,000	330,000
	Killam		Josh Eaton	Sturges	Wood End up	Hunt Pk	BM Tot lot	Wood End dn	Mem Park	B Meadow	Barrows		
Playground safety surface	15,000												-
Washington Park \$625k					129,000				233,000		100,000		462,000
(also playground in FY10)					tennis ct				backstop		paths		
					124,000				& shift field				124,000
					basketball ct								
Birch Meadow Complex = \$2.116 mil						230,000		110,000	150,000	1,100,000	39,000		1,629,000
(also playgrounds in FY16&FY19)						BB courts		Mtn bkstop	softball light	fields & paths	st. backstop		
						Multi-Purp cts		dugouts	20,000		39,000		59,000
								bleachers	batting cage		lot backstop		430,000
Playground \$430k (Imagination Station)					430,000		95,000		124,500				219,500
Barrows \$298k							backstop		tennis ct				
(also playground in FY09)							& infield		78,100				78,100
									basketball ct				
Killam \$30.6k							30,600						30,600
(also playground in FY11)							backstop						
Joshua Eaton \$179k								140,000			39,000		179,000
(also playground in FY12)								backstop & inf			backstop		
Symonds Way \$50k									50,000				50,000
									backstop				
Hunt Park \$125k										125,000			125,000
(also playground in FY15)										backstop			
Sturges Park \$178.7k										63,800			63,800
(also playground in FY13)										tennis ct			
										80,000			80,000
										basketball ct			
										37,000			37,000
										backstop			
Wood End \$325k											325,000		325,000
											field		-

Town of Reading	Actual	Projected	Projected	Projected	Projected	Projected	Projected	Projected	Projected	Projected	Projected	Projected	Projected	Projected	Projected
Debt Service Schedule	FY - 2011	FY - 2012	FY - 2013	FY - 2014	FY - 2015	FY - 2016	FY - 2017	FY - 2018	FY - 2019	FY - 2020	FY - 2021	FY - 2022	FY - 2023	FY - 2024	FY - 2025
10/24/11 11:49 AM \$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
General Fund:	6,158,003	6,063,446	5,644,235	5,409,911	5,698,085	5,460,406	5,323,551	5,186,360	4,494,353	4,122,089	4,049,043	3,511,299	3,360,999	3,330,505	336,188
Principal	4,165,000	4,185,000	3,915,580	3,715,580	4,055,580	4,005,580	4,060,580	4,100,580	3,585,580	3,370,580	3,455,580	3,080,580	3,075,000	3,185,000	330,000
Within Levy Limit	2,595,000	2,570,000	2,250,580	1,990,580	2,270,580	2,155,580	2,140,580	2,110,580	1,515,580	1,215,580	1,210,580	740,580	635,000	635,000	330,000
Debt Exclusion	1,570,000	1,615,000	1,665,000	1,725,000	1,785,000	1,850,000	1,920,000	1,990,000	2,070,000	2,155,000	2,245,000	2,340,000	2,440,000	2,550,000	0
Interest	1,993,003	1,878,446	1,728,655	1,694,331	1,642,505	1,454,826	1,262,971	1,085,780	908,773	751,509	593,463	430,719	285,999	145,505	6,188
Within Levy Limit	764,812	699,668	606,525	634,633	651,745	562,703	453,299	353,368	258,369	188,944	138,106	87,075	58,825	32,881	6,188
Debt Exclusion	1,228,191	1,178,778	1,122,131	1,059,698	990,761	902,123	809,673	732,423	650,404	562,565	455,356	343,644	227,174	112,624	0
Total Within Levy Limit:	3,359,812	3,269,668	2,857,105	2,625,213	2,922,325	2,708,283	2,593,879	2,463,938	1,773,949	1,404,524	1,348,686	827,655	693,825	667,881	336,188
Issued	3,359,812	3,242,106	2,723,962	2,097,327	2,019,195	1,846,909	1,774,261	1,686,076	1,337,844	1,290,675	1,237,594	719,319	693,825	667,881	336,188
Approved not issued	0	27,563	133,143	130,386	127,630	124,874	122,118	119,361	116,605	113,849	111,093	108,336	0	0	0
Not approved	-0	0	0	397,500	775,500	736,500	697,500	658,500	319,500	0	0	0	0	0	0
MSBA share(Coolidge)	462,036	462,036	462,036	462,036	462,036	462,036	462,036	462,036	462,036	462,036	462,036	462,036	462,036	462,036	0
Net Included Debt	2,897,776	2,807,632	2,395,069	2,163,177	2,460,289	2,246,247	2,131,843	2,001,902	1,311,913	942,488	886,650	365,619	693,825	667,881	336,188
Total Debt Exclusion:	2,798,191	2,793,778	2,787,131	2,784,698	2,775,761	2,752,123	2,729,673	2,722,423	2,720,404	2,717,565	2,700,356	2,683,644	2,667,174	2,662,624	0
Issued	2,798,191	2,793,778	2,787,131	2,784,698	2,775,761	2,752,123	2,729,673	2,722,423	2,720,404	2,717,565	2,700,356	2,683,644	2,667,174	2,662,624	0
MSBA share (est.)	698,872	722,014	745,155	772,925	800,695	830,779	863,177	895,575	932,601	971,942	1,013,596	1,057,565	1,103,848	1,154,759	0
Net Excluded Debt	2,099,319	2,071,764	2,041,975	2,011,773	1,975,066	1,921,344	1,866,496	1,826,848	1,787,803	1,745,624	1,686,760	1,626,079	1,563,326	1,507,864	0
Debt Summary (net of MSBA reimbursements)															
Net Included+Excluded	4,907,095	4,879,396	4,437,044	4,174,950	4,435,354	4,167,591	3,998,338	3,828,749	3,099,715	2,688,111	2,573,410	1,991,698	2,257,151	2,175,746	336,188
School Buildings	3,126,209	3,026,164	2,917,859	2,816,697	2,708,776	2,594,561	2,482,980	2,254,948	2,176,069	2,079,930	1,511,905	1,897,038	1,827,389	1,827,389	0
Town Buildings	440,000	420,000	0	397,500	775,500	736,500	697,500	658,500	319,500	0	0	0	0	0	0
Energy/Green Repair	473,988	494,013	592,893	583,436	573,980	564,105	553,393	539,749	525,268	512,043	493,480	479,793	360,113	348,356	336,188
Recreation	4,136,195	4,040,221	3,619,056	3,898,795	4,166,177	4,009,381	3,845,453	3,681,229	3,099,715	2,688,111	2,573,410	1,991,698	2,257,151	2,175,746	336,188
Equipment	184,369	176,565	0	0	0	0	0	0	0	0	0	0	0	0	0
Roads	300,613	292,710	285,170	199,130	194,590	86,100	83,660	81,220	0	0	0	0	0	0	0
Technology	84,419	81,900	79,463	77,025	74,588	72,109	69,225	66,300	0	0	0	0	0	0	0
	291,500	286,000	280,500	0	0	0	0	0	0	0	0	0	0	0	0
	860,900	839,175	817,988	276,155	269,178	158,209	152,885	147,520	0	0	0	0	0	0	0
Debt Summary (Excluded - outside Prop 2-1/2 net of MSBA reimbursements)															
Current status: RMHS, Wood End & Barrows	2,041,975	2,011,773	1,975,066	1,921,344	1,866,496	1,826,848	1,787,803	1,745,624	1,686,760	1,626,079	1,563,326	1,507,864	1,507,864	162	162
Current status: per \$400k SF home	219	216	212	206	200	196	192	187	181	174	168	168	168	168	162
Estimate for Library - local share \$7mil of \$12mil	970,049	970,049	970,049	970,049	970,049	970,049	970,049	970,049	970,049	970,049	970,049	970,049	970,049	970,049	970,049
LIBRARY per \$400k SF home	104	104	104	104	104	104	104	104	104	104	104	104	104	104	104
Estimate for Killam - local share \$3mil of \$5mil	415,735	415,735	415,735	415,735	415,735	415,735	415,735	415,735	415,735	415,735	415,735	415,735	415,735	415,735	415,735
Killam per \$400k SF home	45	45	45	45	45	45	45	45	45	45	45	45	45	45	45

Town of Reading		Actual	Approved	Projected FY - 2013	Projected FY - 2014	Projected FY - 2015	Projected FY - 2016	Projected FY - 2017	Projected FY - 2018	Projected FY - 2019	Projected FY - 2020	Projected FY - 2021	Projected FY - 2022	Projected FY - 2023	Projected FY - 2024	Projected FY - 2025
Debt Service Schedule		FY - 2011	FY - 2012	FY - 2013	FY - 2014	FY - 2015	FY - 2016	FY - 2017	FY - 2018	FY - 2019	FY - 2020	FY - 2021	FY - 2022	FY - 2023	FY - 2024	FY - 2025
10/24/11 11:49 AM \$		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Principal + Interest																
Within Levy Limit		3,359,812	3,269,668	2,857,105	2,625,213	2,922,325	2,708,283	2,593,879	2,463,938	1,773,949	1,404,524	1,348,686	827,655	693,825	667,881	336,188
Issued		3,359,812	3,242,106	2,723,962	2,097,327	2,019,195	1,846,909	1,774,261	1,686,076	1,337,844	1,290,675	1,237,594	719,319	693,825	667,881	336,188
Approved not issued		0	27,563	133,143	130,386	127,630	124,874	122,118	119,361	116,605	113,849	111,093	108,336	0	0	0
Not approved		0	0	0	397,500	775,500	736,500	697,500	658,500	319,500	0	0	0	0	0	0
premium(RMHS)		15,595	15,595	13,300	12,600	11,800	10,800	9,700	8,800	7,800	6,800	5,500	4,200	2,800	1,500	0
Energy Improvements		473,988	466,450	459,750	453,050	446,350	439,231	431,275	420,388	408,663	398,194	382,388	371,456	360,113	348,356	336,188
Green Repair (1.05mil)		0	27,563	133,143	130,386	127,630	124,874	122,118	119,361	116,605	113,849	111,093	108,336	0	0	0
Barrows/Wd End(\$522k)		47,025	45,900	44,775	43,650	42,525	41,400	39,900	38,400	37,200	36,000	34,800	33,600	32,400	31,200	0
Wood End		235,913	230,663	225,263	219,713	212,963	206,213	199,463	193,463	187,463	181,463	175,313	169,125	162,825	156,450	0
Barrows		202,134	197,584	192,904	183,094	177,469	171,844	166,219	161,219	156,219	151,219	146,094	140,938	135,688	130,375	0
Coolidge		735,000	711,250	687,500	663,750	640,000	616,250	592,500	568,750	545,000	521,250	497,500	473,750	450,000	426,250	0
Parker@		274,988	258,125	246,491	230,086	218,910	202,963	187,320	172,288	157,256	142,224	127,192	112,160	97,128	82,096	0
Joshua Eaton@		53,203	41,830	25,839	15,229	0	0	0	0	0	0	0	0	0	0	0
Birch Meadow@		21,068	15,534	10,153	0	0	0	0	0	0	0	0	0	0	0	0
Parker Turf (\$375k)		82,125	79,219	76,406	0	0	0	0	0	0	0	0	0	0	0	0
Tennis Courts (\$485k)		102,244	99,346	96,449	0	0	0	0	0	0	0	0	0	0	0	0
Downtown Impr(\$550k)		84,419	81,900	79,463	77,025	74,588	72,109	69,225	66,300	63,375	60,450	57,525	54,600	51,675	48,750	0
Police Station		440,000	420,000	0	0	0	0	0	0	0	0	0	0	0	0	0
Ladder truck (\$800k)		98,300	95,860	93,420	90,980	88,540	86,100	83,660	81,220	78,780	76,340	73,900	71,460	69,020	66,580	0
Pumper Eng#2(\$410k)		87,600	84,500	81,500	0	0	0	0	0	0	0	0	0	0	0	0
Financial Sys(\$1.1mil)		291,500	286,000	280,500	0	0	0	0	0	0	0	0	0	0	0	0
Pumper Eng#1(\$525k)		114,713	112,350	110,250	108,150	106,050	0	0	0	0	0	0	0	0	0	0
Cem. Garage (\$1.5m)		0	0	0	397,500	378,000	358,500	339,000	319,500	0	0	0	0	0	0	0
Cold Storage (\$1.5m)		0	0	0	0	397,500	378,000	358,500	339,000	319,500	0	0	0	0	0	0
Debt Exclusion																
Barrows/Wd End(\$787k)		75,725	68,850	67,163	65,475	63,788	62,100	59,850	57,600	55,350	53,100	50,850	48,600	46,350	44,100	0
RMHS		2,706,738	2,709,550	2,704,950	2,704,575	2,697,775	2,676,275	2,656,525	2,636,775	2,617,025	2,597,275	2,577,525	2,557,775	2,538,025	2,518,275	0
Wood End		15,728	15,378	15,018	14,648	14,198	13,748	13,298	12,848	12,398	11,948	11,498	11,048	10,598	10,148	0

[illegible]

Town of Reading		Actual	Projected FY - 2012	Projected FY - 2013	Projected FY - 2014	Projected FY - 2015	Projected FY - 2016	Projected FY - 2017	Projected FY - 2018	Projected FY - 2019	Projected FY - 2020	Projected FY - 2021	Projected FY - 2022	Projected FY - 2023	Projected FY - 2024	Projected FY - 2025
Debt Service Schedule		FY - 2011														
10/24/11 11:49 AM		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Interest																
Within Levy Limit		764,812	699,668	606,525	634,633	651,745	552,703	453,299	353,358	256,369	188,944	138,106	87,075	58,825	32,881	6,188
Issued		764,812	672,106	578,962	512,327	454,195	396,909	339,261	281,076	227,844	180,675	132,594	84,319	58,825	32,881	6,188
Approved not issued			27,563	27,563	24,806	22,050	19,294	16,538	13,781	11,025	8,269	5,513	2,756	0	0	0
Not approved		0	0	0	97,500	175,500	136,500	97,500	58,500	19,500	0	0	0	0	0	0
premium(RMHS)		15,595	15,595	13,300	12,600	11,800	10,800	9,700	8,800	7,800	6,800	5,500	4,200	2,800	1,500	
Energy Improvements		138,988	131,450	124,750	118,050	111,350	104,231	96,275	85,388	73,663	63,194	52,388	41,456	30,113	18,356	6,188
Green Repair (1.05mil)			27,563	27,563	24,806	22,050	19,294	16,538	13,781	11,025	8,269	5,513	2,756			
Barrows/Wd End(\$522k)		17,025	15,900	14,775	13,650	12,525	11,400	9,900	8,400	7,200	6,000	4,800	3,600	2,400	1,200	
Wood End		85,913	80,663	75,263	69,713	62,963	56,213	49,463	43,463	37,463	31,463	25,313	19,125	12,825	6,450	
Barrows		72,134	67,584	62,904	58,094	52,469	46,844	41,219	36,219	31,219	26,219	21,094	15,938	10,688	5,375	
Coolidge		260,000	236,250	212,500	188,750	165,000	141,250	117,500	94,000	70,500	47,000	23,500				
Parker@		44,988	38,125	31,491	25,086	18,910	12,963	7,320	2,288							
Joshua Eaton@		3,203	1,830	839	229											
Birch Meadow@		1,068	534	153												
Parker Turf (\$375k)		7,125	4,219	1,406												
Tennis Courts (\$485k)		7,244	4,346	1,449												
Downtown Impr(\$650k)		19,419	16,900	14,463	12,025	9,588	7,109	4,225	1,300							
Police Station		40,000	20,000													
Ladder truck (\$800k)		18,300	15,860	13,420	10,980	8,540	6,100	3,660	1,220							
Pumper Eng#2(\$410k)		7,600	4,500	1,500												
Financial Sys(\$1.1mil)		16,500	11,000	5,500												
Pumper Eng#1(\$525k)		9,713	7,350	5,250	3,150	1,050										
Cem. Garage (\$1.5m)					97,500	78,000	58,500	39,000	19,500							
Cold Storage (\$1.5m)						97,500	78,000	58,500	39,000	19,500						
Debt Exclusion		1,228,191	1,178,778	1,122,131	1,059,698	990,761	902,123	809,673	732,423	650,404	562,565	455,356	343,644	227,174	112,624	0
Barrows/Wd End(\$787k)		25,725	23,850	22,163	20,475	18,788	17,100	14,850	12,600	10,800	9,000	7,200	5,400	3,600	1,800	
RMHS		1,196,738	1,149,550	1,094,950	1,034,575	967,775	881,275	791,525	716,925	637,106	551,468	446,469	336,969	222,719	110,394	
Wood End		5,728	5,378	5,018	4,648	4,198	3,748	3,298	2,898	2,498	2,098	1,688	1,275	855	430	

Town of Reading, MA	10/24/2011 11:57	Approved FY-2011	Requested FY-2012	Projected ==> FY-2013	FY-2014	FY-2015	FY-2016	FY-2017	FY-2018	FY-2019	FY-2020	FY-2021	TOTAL
<i>Existing debt in green, new debt in yellow (italics)</i>													
Storm Water CAPITAL													
General Drainage		60,000	moved to Operating Budget in FY12										
Drainage Improvements (project specific)		55,000	150,000	75,000			200,000	200,000	100,000	100,000	100,000	100,000	1,025,000
MSA Permit: Consult & Lab test			40,000	50,000	50,000								190,000
Saugus River Design & Permitting				150,000									150,000
Saugus River Improvement (I) \$2mil	Debt								Debt	Debt	Debt	Debt	-
Saugus River Improvement (II) \$2mil	Debt								Debt	Debt	Debt	Debt	-
Aberjona River Design & Permitting						150,000			Debt	Debt	Debt	Debt	150,000
Aberjona River Improvement \$2.2mil	Debt												-
Sweeper: Elgin Pelican		150,000											-
Truck: Int #15		173,000											-
Excavator (1985)				65,000									65,000
TOTAL CAPITAL		438,000	190,000	190,000	200,000	200,000	200,000	200,000	100,000	100,000	100,000	100,000	1,580,000
DEBT SERVICE									1,023,000	982,700	942,400	902,100	3,850,200
TOTAL STORM WTR CAPITAL + DEBT		438,000	190,000	190,000	200,000	200,000	200,000	200,000	1,123,000	1,082,700	1,042,400	1,002,100	5,430,200
TOTAL WATER & SEWER CAP & DEBT		2,762,319	2,888,297	2,520,851	2,308,220	1,848,655	1,771,505	1,770,733	1,722,067	1,527,571	2,202,595	1,835,219	20,395,713
Water CAPITAL													
Water Distribution													
Various Water Mains (\$2.471mil)	Debt		Debt										-
WM: Haverhill-Franklin-Batch (\$420K)	Debt			Debt	Debt	Debt	Debt	Debt	Debt	Debt	Debt	Debt	-
WM: Haverhill-Franklin-Wild (\$1865K)	Debt			Debt	Debt	Debt	Debt	Debt	Debt	Debt	Debt	Debt	-
WM: Howard-County-Summer (\$1012K)	Debt			Debt	Debt	Debt	Debt	Debt	Debt	Debt	Debt	Debt	-
WM: Haverhill debt surplus used for Howard St.			228,500										228,500
WM: Howard-County-Summer needed from reserves			186,000										186,000
WM: South-West-Gleason	Debt						Debt	Debt	Debt	Debt	Debt	Debt	-
WM: Casuway Road loop				275,000									275,000
WM: H St. loop (Ivy St.)					350,000								350,000
WM: Larch Lane						120,000							120,000
Water Main Lining					200,000	200,000	200,000	200,000	200,000				800,000
Meter Replacement		180,000									250,000	250,000	500,000
Water System Hydraulic Model							85,000						85,000
Storage Tank Inspection										12,000	12,000		24,000
Tank Inspect & Design: Auburn			70,000										70,000
Tank Maintenance: Auburn				550,000									550,000
Tank Maintenance: Bear Hill					220,000								220,000
Storage Tank (\$1150K)	Debt									Debt	Debt	Debt	-
Booster Station SCADA			165,000										165,000

14

Town of Reading, MA	10/24/2011 11:57	Approved FY-2011	Requested FY-2012	Projected ==> FY-2013	FY-2014	FY-2015	FY-2016	FY-2017	FY-2018	FY-2019	FY-2020	FY-2021	TOTAL
SCADA Upgrade (every 5 yrs)						20,000					25,000		45,000
Replace Bob Cat loader		45,000											-
Replace Pickup Truck #12 (1997)			40,000										40,000
Replace Car #2								35,000					35,000
Replace Van #2		38,000											-
Replace Truck#5												120,000	120,000
Replace Truck#14						120,000							120,000
Replace Backhoe #420E									100,000				100,000
Replace Utility Truck #5											150,000		150,000
Water Distribution Capital		263,000	689,500	825,000	570,000	460,000	285,000	235,000	300,000	12,000	437,000	370,000	4,184,500
Water Supply													
Treatment Plant Design	Debt	Debt	Debt	Debt	Debt	Debt	Debt	Debt	Debt				
WTP demolition & chlorine (\$800k)	Debt	Debt	Debt	Debt	Debt	Debt	Debt	Debt	Debt				
WTP demolition & chlorine (\$450k)	Debt	Debt	Debt	Debt	Debt	Debt	Debt	Debt	Debt				
MWRA (\$3180k partial join)	Debt	Debt	Debt	Debt	Debt	Debt	Debt	Debt	Debt				
MWRA (\$7800k full join)	Debt	Debt	Debt	Debt	Debt	Debt	Debt	Debt	Debt				
Water Conservation Program				60,000	50,000	40,000	30,000	20,000					200,000
Wells Upgrade					50,000		50,000		50,000				200,000
Well Abandonment					225,000								225,000
Hydraulic Study - 2nd Connection			94,000	55,000									150,000
Replace Pickup Truck #3 (2003)			37,000										37,000
Water Supply Capital			94,000	153,000	325,000	40,000	80,000	20,000	50,000		50,000		812,000
TOTAL CAPITAL		263,000	783,500	979,000	895,000	500,000	365,000	255,000	350,000	12,000	487,000	370,000	4,996,500
DEBT SERVICE		1,839,206	1,785,591	1,326,051	1,299,286	1,271,721	1,406,505	1,365,733	1,327,067	1,515,571	1,465,595	1,215,219	13,978,339
TOTAL WATER CAPITAL + DEBT		2,102,206	2,569,091	2,305,051	2,194,286	1,771,721	1,771,505	1,620,733	1,677,067	1,527,571	1,952,595	1,585,219	18,974,839
Sewer CAPITAL													
Inflow & Infiltration		100,000	moved to Operating Budget in FY12										-
Seal Sewer Manholes			moved to Operating Budget in FY11										-
Sewer Station Rehabilitation		30,000	moved to Operating Budget in FY12										-
Fairview/Sunnyside project	Debt	Debt	Debt										-
California Road project		185,000											75,000
Lewis Street project			75,000									250,000	500,000
Meter Replacements		180,000											130,000
Backhoe 430D				130,000									314,000
Replace Vehicles			82,000					150,000	45,000				1,019,000
TOTAL CAPITAL		495,000	157,000	130,000	37,000	-	-	150,000	45,000	-	250,000	250,000	401,874
DEBT SERVICE		165,113	162,206	85,800	76,934	76,934	-	150,000	45,000	-	250,000	250,000	1,420,874
TOTAL SEWER CAPITAL + DEBT		660,113	319,206	215,800	113,934	76,934	-	150,000	45,000	-	250,000	250,000	1,420,874

Aberjona River Improvement	2.2 mil	10yr
----------------------------	---------	------

Town of Reading FY - 2012 Budget

10/24/11 12:20

		Projected Debt Service FY - 2020	Projected Debt Service FY - 2021	Projected Debt Service FY - 2022	Projected Debt Service FY - 2023	Projected Debt Service FY - 2024	Projected Debt Service FY - 2025	Projected Debt Service FY - 2026	Projected Debt Service FY - 2027	Projected Debt Service FY - 2028
<i>New - Not Approved in italics</i>										
Storage Tank	1150k 5yr	59,800	44,850	29,900	14,950					
Sewer Debt		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
MWRA Inflow & Infiltration interest loan		0	0	0	0	0	0	0	0	0
Sunnyside/Fairview Sewer	07-11 Nov 01	0	0	0	0	0	0	0	0	0
Repayment of Principal:		0	0	0	0	0	0	0	0	0
MWRA Inflow & Infiltration										
MWRA Inflow & Infiltration										
MWRA Inflow & Infiltration										
Sunnyside/Fairview Sewer	07-11 Nov 01									
Interest on Long Term Debt:		0	0	0	0	0	0	0	0	0
Sunnyside/Fairview Sewer	07-11 Nov 01									
Storm Water Debt		\$ 942,400	\$ 902,100	\$ 881,800	\$ 821,500	\$ 581,200	\$ 540,900	\$ 300,600	\$ 260,300	\$ -
Saugus River Improvement(I)	2.0 mil new	304,000	291,000	278,000	265,000	52,000	39,000	26,000	13,000	0
Saugus River Improvement(II)	2.0 mil new	304,000	291,000	278,000	265,000	252,000	239,000	26,000	13,000	0
Aberjona River Improvement	2.2 mil new	334,400	320,100	305,800	291,500	277,200	262,900	248,600	234,300	0
Repayment of Principal:		620,000	620,000	620,000	620,000	420,000	420,000	220,000	220,000	0
Saugus River Improvement(I)	2.0 mil 10yr	200,000	200,000	200,000	200,000					
Saugus River Improvement(II)	2.0 mil 10yr	200,000	200,000	200,000	200,000	200,000	200,000			
Aberjona River Improvement	2.2 mil 10yr	220,000	220,000	220,000	220,000	220,000	220,000	220,000	220,000	
Interest on Long Term Debt:		322,400	282,100	241,800	201,500	161,200	120,900	80,600	40,300	0
Saugus River Improvement(I)	2.0 mil 10yr	104,000	91,000	78,000	65,000	52,000	39,000	26,000	13,000	
Saugus River Improvement(II)	2.0 mil 10yr	104,000	91,000	78,000	65,000	52,000	39,000	26,000	13,000	
Aberjona River Improvement	2.2 mil 10yr	114,400	100,100	85,800	71,500	57,200	42,900	28,600	14,300	

New - Not Approved in italics

10/24/11 12:20													
New - Not Approved in italics													
Water Debt													
Approved Debt Service FY - 2011	Approved Debt Service FY - 2012	Projected Debt Service FY - 2013	Projected Debt Service FY - 2014	Projected Debt Service FY - 2015	Projected Debt Service FY - 2016	Projected Debt Service FY - 2017	Projected Debt Service FY - 2018	Projected Debt Service FY - 2019					
\$1,839,206	\$1,785,591	\$1,326,051	\$1,299,286	\$1,271,721	\$1,406,505	\$1,365,733	\$1,327,067	\$1,515,571					
Join MWRA(full \$7.8m)	08-28 Nov 01	662,513	647,400	632,775	618,150	603,525	588,656	571,350					
Join MWRA(partial \$3.18m)	07-27 Apr 15	270,656	264,656	258,656	252,656	246,656	237,719	229,719					
Demo WTP(chlorinate(\$0.8m)	09-18 Jul 01	98,300	95,860	93,420	90,980	88,540	86,100	83,660					
Demo WTP(chlorinate (\$450k)	09-13 Feb 01	156,000	153,000	0	0	0	0	0					
Water Treatment Plant Design	2005	119,800	116,300	112,700	109,000	104,500	0	0					
Water Mains(\$2.471m)	08-12 Apr 15	531,938	508,375	0	0	0	0	0					
WM:Hvrhill-Frnklin-Wkfld	2285k MWRA	0	0	228,500	228,500	228,500	228,500	228,500					
WM:Hwrd-Cnty-Summer	1012k new	0	0	0	0	0	0	0					
WM: South-West-Gleason	1002k new	0	0	0	0	265,530	252,504	239,478					
Storage Tank	1150k new	0	0	0	0	0	0	304,750					
Repayment of Principal:													
Join MWRA(full \$7.8m)	08-28 Nov 01	1,375,000	1,370,000	958,500	958,500	1,058,900	1,058,900	1,208,900					
Join MWRA(partial \$3.18m)	07-27 Apr 15	390,000	390,000	390,000	390,000	390,000	390,000	390,000					
Demo WTP(chlorinate(\$0.8m)	09-18 Jul 01	160,000	160,000	160,000	160,000	160,000	160,000	160,000					
Demo WTP(chlorinate (\$450k)	10-12 Feb 01	80,000	80,000	80,000	80,000	80,000	80,000	80,000					
Water Treatment Plant Design	2005	150,000	150,000	100,000	100,000	100,000							
Water Mains(\$2.471m)	08-12 Apr 15	495,000	490,000	228,500	228,500	228,500	228,500	228,500					
WM:Hvrhill-Frnklin-Wkfld	2285 MWRA			deleted \$1mil PRIN									
WM:Hwrd-Cnty-Summer	1012k 5yr												
WM: South-West-Gleason	1002k 5yr				200,400	200,400	200,400	200,400					
Storage Tank	1150k 5yr							230,000					
Interest on Long Term Debt:													
Join MWRA(full \$7.8m)	08-28 Nov 01	464,206	415,591	367,551	340,786	313,221	347,605	306,833					
Join MWRA(partial \$3.18m)	07-27 Apr 15	272,513	257,400	242,775	228,150	213,525	198,656	181,350					
Demo WTP(chlorinate(\$0.8m)	09-18 Jul 01	110,656	104,656	98,656	92,656	86,656	77,719	69,719					
Demo WTP(chlorinate (\$450k)	10-12 Feb 01	18,300	15,860	13,420	10,980	8,540	6,100	3,660					
Water Treatment Plant Design	2005	6,000	3,000										
Water Mains(\$2.471m)	08-12 Apr 15	19,800	16,300	12,700	9,000	4,500							
WM:Hvrhill-Frnklin-Wkfld	2285 MWRA	36,938	18,375	0	0	0	0	0					
WM:Hwrd-Cnty-Summer	1012k 5yr			deleted \$200k INT									
WM: South-West-Gleason	1002k 5yr				65,130	52,104	39,078	26,052					

10/24/11 12:20

10/24/11 12:20													
New - Not Approved in italics													
Water Debt													
Debt Service	Projected	Projected	Projected	Projected	Projected	Projected	Projected	Projected	Projected	Projected	Projected	Projected	Projected
FY - 2020	FY - 2021	FY - 2022	FY - 2023	FY - 2024	FY - 2025	FY - 2026	FY - 2027	FY - 2028	FY - 2029	FY - 2030	FY - 2031	FY - 2032	FY - 2033
\$ 1,465,555	\$1,215,219	\$ 1,178,269	\$912,819	\$ 645,869	\$ 623,575	\$ 591,375	\$ 569,588	\$ 547,800	\$ 526,000	\$ 505,200	\$ 484,400	\$ 463,600	\$ 442,800
Join MWRA(full \$7.8m)	08-28 Nov 01	522,600	507,000	491,400	475,800	460,200	444,600	429,000	413,400	397,800	382,200	366,600	351,000
Join MWRA(partial \$3.18m)	07-27 Apr 15	211,269	204,869	198,469	192,069	185,669	178,975	162,375	156,188	149,999	143,800	137,600	131,400
Demo WTP(chlorinate(\$0.8m))	09-18 Jul 01	0	0	0	0	0	0	0	0	0	0	0	0
Demo WTP(chlorinate (\$450k))	09-13 Feb 01	0	0	0	0	0	0	0	0	0	0	0	0
Water Treatment Plant Design	2005	0	0	0	0	0	0	0	0	0	0	0	0
Water Mains(\$2.471m)	08-12 Apr 15	0	0	0	0	0	0	0	0	0	0	0	0
WM:Hvrhill-Frnklin-Wkfld	2285k MWRA	228,500	228,500	228,500	0	0	0	0	0	0	0	0	0
WM:Hwrdr-Cnty-Summer	1012k new	0	0	0	0	0	0	0	0	0	0	0	0
WM: South-West-Gleason	1002k new	213,426	0	0	0	0	0	0	0	0	0	0	0
Storage Tank	1150k new	289,800	274,850	259,900	244,950	0	0	0	0	0	0	0	0
Repayment of Principal:													
Join MWRA(full \$7.8m)	08-28 Nov 01	390,000	390,000	390,000	390,000	390,000	390,000	390,000	390,000	390,000	390,000	390,000	390,000
Join MWRA(partial \$3.18m)	07-27 Apr 15	160,000	160,000	160,000	160,000	160,000	160,000	150,000	150,000	150,000	150,000	150,000	150,000
Demo WTP(chlorinate(\$0.8m))	09-18 Jul 01	0	0	0	0	0	0	0	0	0	0	0	0
Demo WTP(chlorinate (\$450k))	10-12 Feb 01	0	0	0	0	0	0	0	0	0	0	0	0
Water Treatment Plant Design	2005	0	0	0	0	0	0	0	0	0	0	0	0
Water Mains(\$2.471m)	08-12 Apr 15	0	0	0	0	0	0	0	0	0	0	0	0
WM:Hvrhill-Frnklin-Wkfld	2285 MWRA	228,500	228,500	228,500	0	0	0	0	0	0	0	0	0
WM:Hwrdr-Cnty-Summer	1012k 5yr	0	0	0	0	0	0	0	0	0	0	0	0
WM: South-West-Gleason	1002k 5yr	200,400	0	0	0	0	0	0	0	0	0	0	0
Storage Tank	1150k 5yr	230,000	230,000	230,000	230,000	230,000	230,000	230,000	230,000	230,000	230,000	230,000	230,000
Interest on Long Term Debt:													
Join MWRA(full \$7.8m)	08-28 Nov 01	132,600	117,000	101,400	85,800	70,200	54,600	39,000	23,400	7,800	7,800	7,800	7,800
Join MWRA(partial \$3.18m)	07-27 Apr 15	51,269	44,869	38,469	32,069	25,669	18,975	12,375	6,188	6,188	6,188	6,188	6,188
Demo WTP(chlorinate(\$0.8m))	09-18 Jul 01	0	0	0	0	0	0	0	0	0	0	0	0
Demo WTP(chlorinate (\$450k))	10-12 Feb 01	0	0	0	0	0	0	0	0	0	0	0	0
Water Treatment Plant Design	2005	0	0	0	0	0	0	0	0	0	0	0	0
Water Mains(\$2.471m)	08-12 Apr 15	0	0	0	0	0	0	0	0	0	0	0	0
WM:Hvrhill-Frnklin-Wkfld	2285 MWRA	0	0	0	0	0	0	0	0	0	0	0	0
WM:Hwrdr-Cnty-Summer	1012k 5yr	0	0	0	0	0	0	0	0	0	0	0	0
WM: South-West-Gleason	1002k 5yr	13,026	0	0	0	0	0	0	0	0	0	0	0



**Town of Reading
16 Lowell Street
Reading, MA 01867**

**FAX: (781) 942-9070
Website: www.readingma.gov**

**TOWN CLERK
(781) 942-9050**

Preliminary Report

Section 8-9 of the Reading Home Rule Charter, requires that the Bylaw Committee present to Town Meeting not less than every 10 years, proposed revisions or recodification of the bylaws of the Town.

Section 8-9: Reenactment and Publication of Bylaws

Within one (1) year of the adoption of this Charter and at intervals of not more than ten (10) years thereafter, proposed revisions or recodification of the bylaws of the Town shall be presented to Town Meeting by the Bylaw Committee.

At least four (4) months prior to the Town Meeting at which action under this section is to be taken, the Committee shall cause to be published in a local newspaper: (a) a report summarizing its recommendations and noting the times and places within the Town where complete copies of the report shall be available for inspection by the public, and (b) the date, time and place not less than two weeks following such publication when a public hearing shall be held by the committee on the preliminary report.

[Amended November 15, 2004 (Article 16) and approved by vote of the Town on April 5, 2005]

The General Bylaw of the Town was last re-codified in 1988, shortly after the Reading Home Rule Charter was adopted.

The intent of recodification is not to make substantive changes to the General Bylaw, but to make sure that they are simple to read and understand, and are internally consistent and accurate.

Since the winter of November 2010, the Bylaw Committee (together with Town Counsel, the Town Clerk, and the Town Manager) has met 8 times and has developed a new, easier to read, standardized version of the General Bylaw. The details of this draft are available in hard copy at the Library and Town Clerk's office, and electronically on the Town's web site at www.readingma.gov.

In proceeding with this recodification, the Bylaw Committee had several specific goals in mind:

- ♦ Improve the organization of the General Bylaw - It is clear that the existing bylaws have been amended in sequential order without any particular attention to organizing the sections by subject matter. The "Public Order" article seems to eclipse the others.
- ♦ Improve the formatting - Make the General Bylaw more user friendly; easier to read; simpler (there are too many subsections in some portions of the bylaw); more compact (narrower margins mean less paper is used); add a robust index (not part of the adopted bylaw, but as a useful tool); and keep the chronology (also not part of the adopted bylaw, but as an additional tool).
- ♦ Standardize terms - within the General Bylaw to the extent practical. The Bylaw Committee has had some definite ideas as to how to spell and reference certain terms. Town Counsel has reviewed those to ensure conformance with standard practice. Examples of now standardized terms include: the spelling and capitalization of "bylaw", references to the state statutes as "M.G.L.", and the consistent use of other common terms. In addition, there are a number of sections with common language, and some sections where the language is similar. The Bylaw Committee has attempted to organize the bylaws so that the common language is standardized, and included only once in the bylaws.
- ♦ Review the bylaw for content - Each of the bylaw sections was reviewed in an effort to determine what, if any, changes are needed. The following are examples of some of those changes:
 - ♦ What can be "re-codified" as is – (Wetlands)
 - ♦ What needs to be modified – (Personnel)
 - ♦ What needs to be removed – (Building Code)
 - ♦ What needs to be added – (table that shows who enforces non-criminal disposition and what the fines are)

General Bylaw - Summary of Changes

The following is a summary of the detailed work included in the proposed recodification:

Organization:

Following its review of best practices in the Commonwealth, the Bylaw Committee recommends reorganizing the General Bylaw into 8 Articles:

- General Provisions
- Town Meeting
- Town Offices and Town Officers
- Personnel
- Conduct of Town Business
- Financial Procedures
- Regulation on the Use of Land
- Public Order

Inclusion of all previous sections:

The Bylaw Committee retained all of the previous sections of the General Bylaw, but reorganized many of the provisions into new sections, except for the following sections which have been deleted:

- ◆ Laundromat Licenses – staff has no reason got the need for such a license
- ◆ Underground Petroleum Storage License – This bylaw was rescinded by Town Meeting at the 2011 Annual Town Meeting
- ◆ Gas Inspector section – not necessary – no other such positions are included in the bylaw
- ◆ Building Code – not necessary – there is a state building code and the Town may not vary from that
- ◆ Municipal Data Processing Center – no longer needed – this was required in pre-Charter days
- ◆ Eliminated the Conflict of Interest section because the state statute, M.G.L. c.268A, applies

Summary of Changes:

Article 1 General Provisions:

- ◆ Added some definitions from the detailed bylaw sections to create a general definition section
- ◆ Standardized the non-criminal disposition section from different language in various sections of the bylaw, and inserted a chart that contains the bylaw section, enforcing agent, and fines (fines have to be specified)

Article 2 Town Meeting:

- ◆ No substantive changes

Article 3 Town Offices and Town Officers:

- ◆ Eliminated the section on the Gas Inspector – not necessary
- ◆ Standardized the section on the general standards for Appointed Boards, Committees, and Commissions
- ◆ Eliminated Municipal Data Processing Center – no longer needed – this was required in pre-Charter days
- ◆ Eliminated the Conflict of Interest section because M.G.L. will apply

Article 4 Personnel:

- ◆ No substantive changes

Article 5 Conduct of Town Business:

- ◆ Removed a number of sections and put them in another section of the bylaw
- ◆ Modified the sections on Rules and Regulations to reflect current practice

Article 6 Financial Procedures:

- ◆ No substantive changes

Article 7 Regulation on the Use of Land:

- ◆ This is a new article compiled of sections from various other sections of the bylaw
- ◆ Removed details of non-criminal disposition from individual sections and inserted them in the first article
- ◆ Eliminated underground petroleum storage licensing article
- ◆ Eliminated laundromat licensing and reference to the Gas Inspector position – not necessary – no other such positions are indicated

General Bylaw - Summary of Changes

- ♦ Eliminated reference to the Building Code – not necessary – there is a state building code and the Town may not vary from that

Article 8 Public Order:

- ♦ Rewrote the section on Anti-Litter to simplify it but retained the intent of the existing bylaw
- ♦ Rewrote the section on News Racks but retained the intent of the existing bylaw

General Bylaw - Detailed Changes

New Section

Old Section

The following is a detailed listing of changes included in the proposed recodification:

ARTICLE 1 - GENERAL PROVISIONS

1.1	Purpose	1.1
1.2	Construction of Bylaw	1.2
1.3	Amendment	1.3
1.4	Renumbering of the General Bylaw	---
1.5	Repeal	1.4
1.6	Violations	---
1.6.1	Duty of Police to Enforce	---
1.6.2	Fines	---
1.7	Enforcement	1.5

Changed From: Any person violating any of these Bylaws shall be punished by a fine of not more than Three Hundred Dollars (\$300.00) for each offense unless a specific penalty is provided elsewhere in said bylaws and in that event, the specific penalty shall apply."

Changed To: Any person violating any of the provisions of this bylaw shall be punished by a fine of not more than Three Hundred Dollars (\$300.00) for each offense, "and in the case of continuing violation, every calendar day upon which such violation shall remain shall be considered a separate offense."

1.8	Non-Criminal Disposition of Certain Violations of Bylaw	5.11
Re-Written: entire section - Added table showing penalties		
1.9	Severability	1.6
1.10	Definitions	1.7
1.10.1	Bylaw	1.7.3
1.10.2	Charter	1.7.2
1.10.3	He, His, Himself	1.7.11
1.10.4	Inhabitant	1.7.1
1.10.5	M.G.L.	---
Massachusetts General Laws		
1.10.6	Motion	1.7.5
1.10.7	Official Body	1.7.10
1.10.8	Person	---
1.10.9	Precincts	1.7.4
1.10.10	Private	1.7.9
Added: "...or other governmental entity."		
1.10.11	Public	1.7.8
1.10.12	Public Street	---
1.10.13	Roadway	---
1.10.14	Sidewalk	---
1.10.15	Town Officer	1.7.6
1.10.16	Warrant	1.7.7

ARTICLE 2 - TOWN MEETING

2.1	General	2.1
2.1.1	Date of Annual Town Election	2.1.1
2.1.2	Hours of Election	2.1.2
2.1.3	Annual Town Meeting Business Sessions	2.1.3
2.1.4	Subsequent Town Meeting	2.1.4
2.1.5	Adjourned Town Meeting Sessions	2.1.5
2.1.6	Posting of the Warrant	2.1.6
2.1.7	Closing of the Warrant	2.1.7
2.1.8	Delivery of the Warrant	2.1.8
2.2	Conduct of Town Meeting	2.2
2.2.1	In the conduct of all Town Meetings, the following rules shall be observed	2.2.1
	Rule 13	Rule 13
Added: in second sentence after: "...by (7) or more members" "or if the Moderator determines that a counted vote is required such as for a debt issue or Home Rule Petition,"		
2.2.2	Attendance by Officials	2.2.2

General Bylaw - Detailed Changes

New Section

Old Section

2.2.3	Appointment of Committees	2.2.3
2.2.4	Motion to Reconsider	2.2.4
2.2.4.1	Notice to Reconsider	2.2.4.1
2.2.4.2	Federal or State Law Affecting Reconsideration	2.2.4.2
2.2.4.3	Posting and Advertising	2.2.4.3
2.2.5	State of the Town	2.2.5
2.2.6	Annual Precinct Meeting	2.2.6
2.2.7	Removal of Town Meeting Members	2.2.7
2.2.7.1	Notice of Attendance	2.2.7.1
2.2.7.2	Precinct Recommendation	2.2.7.2

Changed From: "Town Meeting Members of each precinct shall consider at a precinct meeting to be conducted in accordance with Section 2.2.6 of these Bylaws and Section 2-6 of the Charter, preceding the consideration of the Article placed upon the Annual Town Meeting Warrant in accordance with Section 2-6 of the Charter, the names of Town Meeting Members in that precinct appearing on said Warrant Article and adopt recommendations to Town Meeting as to what action should be taken regarding each such Member. The Chairman of each precinct or his designee shall make such recommendations along with supporting evidence and rationale to Town Meeting."

Changed To: "All Precinct meetings held prior to consideration by Town Meeting of the warrant article pursuant to Section 2-6 of the Charter. Town Meeting Members of each precinct shall adopt a recommendation to Town Meeting on whether each member from the precinct listed in the warrant per Section 2-6 of the Charter should be removed from Town Meeting. The Chairman of each precinct or his designee shall make such recommendations along with supporting evidence and rationale to Town Meeting."

2.2.7.3	Grouped by Precinct	2.2.7.3
2.2.8	Meetings During Town Meeting	2.2.8
2.2.9	Rules Committee	2.2.9

ARTICLE 3 - TOWN OFFICES AND TOWN OFFICERS

3.1	Elected Town Officers	---
Changed From: Board of Selectmen		
3.1.1	Board of Selectmen	3.1.1
---	This section deleted	3.1.2
3.2	Appointed Town Officers	---
3.2.1	Town Treasurer-Collector	3.2
Changed From: Town Treasurer-Collector and Town Accountant		
3.2.1.1	Duties	3.2.1
3.2.1.2	Collection and Abatement	3.2.3
3.2.1.3	Receipts	3.2.4
3.2.2	Town Accountant	3.2.2
3.2.3	Town Clerk	3.3
3.2.3.1	Duties	3.3.1
3.2.3.2	Filing at Registry of Deeds	3.3.2
3.2.3.3	Town Meeting Votes	3.3.3
3.2.3.4	Reports to Town Meeting	3.3.4
3.2.3.5	Certification of Elections	3.3.5

Changed From: "As soon as practicable after any election has been held by the Town, or any appointment of committees or other officials has been made by the Town or by any official body or other committee thereof, the Town Clerk shall, in addition to the notices he is directed to give to Town Officers who are required to take oath of office, issue a written or printed notice to all persons who have been elected to any other office or chosen to serve on any committee, stating that office to which such person has been elected or the duties which such committee was chosen to perform."

Changed To: "As soon after election or appointment as practical the Town Clerk shall issue a written notice stating the office to which each person has been elected or appointed to serve. This written notice shall reference the requirement that they are required to take an oath of office."

3.2.3.6	Annual Report	3.3.6
3.3	Appointed Boards, Committees and Commissions	---
3.3.1	General	---

General Bylaw - Detailed Changes

New Section

Old Section

3.3.1.1	Recording Secretary	---
3.3.1.2	Election of Officers	---
3.3.1.3	Residency Required	---
3.3.1.4	Removal for Absence	---
3.3.1.5	Term of Office	---
3.3.2	Finance Committee	3.4
3.3.2.1	Duties	3.4.1
3.3.2.2	Recommendation to Town Meeting	3.4.2
Deleted: at end of last sentence: "and the approximate tax rate based on such recommendations."		
3.3.2.3	Investigation	3.4.3 and 3.4.4
Changed 3.4.4 From: "The Finance Committee in making its report upon any subject referred to it shall arrange the report in clear and compact form, and shall divide it into separate propositions whenever in its judgment such divisions may be desirable. The Committee shall attach to each proposition its own recommendations".		
Changed To: 2 nd paragraph of 3.3.2.3 "The Finance Committee shall make a report on every investigation setting forth its findings and recommendations, and shall transmit such report(s) to Town Meeting".		
3.3.2.4	Cannot Hold another Office	3.4.6
---	These sections deleted and replaced by 3.3.1.2 and 3.3.1.4	3.4.5 and 3.4.7
3.3.3	Bylaw Committee	3.5 and 3.5.1
---	These sections deleted and replaced by 3.3.1.4 and 3.3.1.5	3.5.2 and 3.5.3
3.3.4	Council on Aging	3.6, 3.6.1
Changed From: All members shall be inhabitants of the Town, and at least two (2) members shall be over sixty-five (65) years of age.		
Changed To: At least two (2) of its ten (10) members shall be over sixty-five (65) years of age.		
---	This section deleted and replaced by 3.3.1.4	3.6.2
---	This section deleted	3.7
3.3.5	Audit Committee	3.8
3.3.5.1	Membership	3.8.1
3.3.5.2	Selection of Audit Firm	3.8.2

ARTICLE - 4 PERSONNEL

4.1	Personnel	4.7
4.1.1	Purpose and Authorization	4.7.1
4.1.2	Application	4.7.2
4.1.3	Administrative	4.7.3
4.1.4	Personnel System	4.7.4
4.1.4.1	Administration	4.7.4.1
4.1.4.2	Classification Plan	4.7.4.2
4.1.4.3	Compensation Plan	4.7.4.3 and 4.7.4.3.1 and 4.7.4.3.2
4.1.4.4	Recruitment and Selection Policy	4.7.4.4
4.1.4.5	Personnel Records	4.7.4.5
4.1.4.6	Personnel Policies	4.7.4.6
4.1.5	Adoption and Amendment of Personnel Policies	4.7.5
4.1.5.1	Preparation of Policies	4.7.5.1
4.1.5.2	Public Hearing	4.7.5.2
4.1.5.3	Computation of Time	4.7.5.3
---	This section deleted	4.7.6
4.2	Physical Qualifications for all Compensated Town Employees	4.8
Changed From: Physical Qualifications for Town Employees		4.8
4.2.1	Established of Job Requirements and Testing	4.8.1
4.2.2	Requirement of Medical Examination	4.8.2

Changed From: Every person hereafter offered employment by the Town, including prospective employees of the Municipal Light Department, but excluding (i) elected officials, (ii) prospective employees who have passed a medical examination by the Civil Service Commission and (iii) occasional or substitute employees after conditionally being offered employment subject to the results of a medical examination, shall undergo a medical examination conducted prior to the employee's entrance on duty to determine if said employee can perform the essential functions of the job and to determine if said employee is a qualified handicapped person; and, if said

General Bylaw - Detailed Changes

New Section

Old Section

employee is a qualified handicapped person, whether said employee requires a reasonable accommodation to perform the essential functions of the job in question, and the nature and extent of the accommodation if one is required.

Changed To: Every person hereafter offered employment by the Town, excluding

- elected officials, and
- occasional or substitute employees

after conditionally being offered employment subject to the results of a medical examination, shall undergo a medical examination conducted prior to the employee's entrance on duty. The purpose of the medical examination is to determine if said employee can perform the essential functions of the job. If deemed unfit to perform the duties of the position for which application has been made the appointing authority shall withdraw the offer of employment.

4.2.3	Town Pays for Medical Exam	4.8.3
4.2.4	Designation of Approved Physician	4.8.4
4.2.5	Confidentiality of Records	4.8.5
4.2.6	Applies Upon Change of Employment	4.8.6
4.2.7	Aggrieved Employee/Right of Appeal	4.8.7

Changed From: In the event any employee or conditional employee is aggrieved by any action taken pursuant to this Bylaw, an appeal may be made in writing to the Board of Selectmen or, in the case of an employee or conditional employee of the School Department, to the Chairman of the School Committee, within ten (10) days of the action complained of; and, after notice to all parties affected and the opportunity for a hearing which will afford all necessary due process rights to the parties in question, the Board of Selectmen or, where applicable, the Chairman of the School Committee together with one additional member of the School Committee and the Superintendent of Schools, shall determine whether the Bylaw was violated, or the action taken was otherwise improper and provide prompt and equitable resolution of the complaint.

In the event of such an appeal, the aggrieved party shall authorize, where applicable, that the information obtained as to medical condition or history shall be disclosed to the Board of Selectmen or representatives of the School Department hearing the appeal.

Changed To: In the event any employee or conditional employee is aggrieved by any action taken pursuant to this bylaw, an appeal may be made in writing as follows:

- to the Board of Selectmen if the employee or conditional employee is a municipal government employee or Library employee, or
- to the School Committee if the employee or conditional employee is an employee of the School Department, or
- to the Reading Municipal Light Board if the employee or conditional employee is an employee of the Reading Municipal Light Department.

Said appeal must be made within ten (10) days of the action complained of; and, after notice to all parties affected there will be an opportunity for a hearing which will afford all necessary due process rights to the parties in question, the Board of Selectmen or, School Committee, or the Reading Municipal Light Board shall within thirty (30) days of the completion of a hearing determine whether the bylaw was violated, or if the action taken was otherwise improper and shall provide a prompt and equitable resolution of the complaint. In the event of such an appeal, the aggrieved party shall authorize the disclosure of information obtained regarding their medical condition or history to representatives of the Board of Selectmen, the School Department or the Reading Municipal Light Department, as applicable

---	This section deleted	4.8.8
4.2.8	Authorizing or Requiring	4.8.9
---	This section deleted	4.5.3
---	This section deleted	4.10
---	This section deleted	4.4
---	This section deleted	4.8.8
---	This section deleted	4.9

ARTICLE 5 - CONDUCT OF TOWN BUSINESS

5.1	Annual Town Reports and Records	4.3
5.1.1	Annual Town Report	4.3.1
5.1.2	Printing the Annual Town Report	4.3.2
5.1.3	Requirement to Keep Records	4.3.3

General Bylaw - Detailed Changes

New Section	Old Section
5.1.4 Board of Assessors' Records part of the Annual Report	4.3.4
5.1.5 Roll Call Town Meeting Votes	4.3.
5.2 Resolution of Legal Matters	4.2 and 4.2.1
5.3 Rules and Regulations	4.11
5.3.1 Procedure for Adoption	4.11:1
5.3.2 Requirement for Public Hearing	4.11.2
<p>Changed From: (beginning with 2nd sentence: "Copies of the entire text shall be supplied to the Board of Selectmen, the Finance Committee, the Bylaw Committee and the Town Counsel not less than seven (7) days prior to said hearing and shall be available to the public at the office of the Town Clerk and at said hearing. Prior to the adoption or amendment of any such rule or regulation, the Town Counsel shall render an opinion to the Town agency or Town officer proposing such adoption or amendment".</p>	
<p>Changed To: "Copies of the legal notice of any proposed rule or regulation or amendment thereto by any Town Agency or Town of Reading Officer shall be supplied to the Board of Selectmen, the Finance Committee, the Bylaw Committee and Town Counsel not less than seven (7) days prior to said hearing, and the Board of Selectmen, Finance Committee, Bylaw Committee, or Town Counsel shall be supplied with the full text of the proposed rule or regulation or amendment thereto upon request. The full text of any proposed rule or regulation or amendment thereto shall be available to the public at the office of the Town Clerk and at said hearing. Prior to the adoption or amendment of any such rule or regulation, Town Counsel may render an opinion to the Town Agency or Town Officer proposing such adoption or amendment".</p>	
5.3.3 Filing of Approved Rules and Regulations	4.11.2 (2nd paragraph)
<p>Changed From: "Notice of the adoption or amendment of any such rule or regulation shall be posted in a conspicuous place in the Town Hall and published once in a newspaper of general circulation of the Town if such newspaper exists. A copy of all such rules or regulations so adopted or amended shall be filed in the Office of the Town Clerk and, as provided in Section 8-8 of the Charter, they shall not become effective until ten (10) days following the date they are so filed".</p>	
<p>Changed To: Within ten (10) days of adoption a copy of every rule or regulation adopted or amended shall be posted in a conspicuous place in the Town Hall for at least thirty (30) days, and a copy of all such rules or regulations so adopted or amended shall be filed in the Office of the Town Clerk. As provided in Section 8-8 of the Charter, any such rules or regulations or amendments to rules or regulations shall not become effective until ten (10) days following the date they are so filed.</p>	
5.3.4 Inhabitant Proposal of a Rule of Regulation	4.11.3 (1st paragraph)
5.3.5 Notification to Inhabitant of Non-Adoption	4.11.3 (2nd paragraph)
ARTICLE 6 - FINANCIAL PROCEDURES	
6.1 Capital Improvements Program	4.1
6.1.1 Submission of Project Requests	4.1.1
6.1.2 Presentation to Town Meeting	4.1.2
6.1.3 Adoption of Capital Improvements Program is not Authorized to Spend Funds	4.1.3
6.2 Disposal of Surplus Property	4.6
6.2.1 Certain Disposition to be Approved by Town Meeting	4.6.1
6.2.2 Non-Applicability to Library Materials	4.6.2
6.3 Delinquent Taxes, Denial, Revocation and Suspension of Permits & Licenses	4.9.2
Changed From: Denial, Revocation and Suspension	
6.3.1 Notice of Delinquencies to Departments	4.9.2.1
6.3.2 Denial, Revocation, Suspension for Delinquencies	4.9.2.2
6.3.3 Payment Agreement	4.9.2.3
6.3.4 Waiver	4.9.2.4
6.3.5 Non-Applicability	4.9.2.5
6.3.6 Written Notice	4.9.2.6
6.4 Surcharge on Details	4.9.3
6.5 Grant Fund Applications	4.3.6
ARTICLE 7 - REGULATIONS ON THE USE OF PRIVATE LAND	
7.1 Wetlands Protection	5.7
7.1.1 Purpose	5.7.1
7.1.2 Determination of Applicability	5.7.2
7.1.3 Notice to the Conservation Commission	5.7.3

General Bylaw - Detailed Changes

New Section

Old Section

7.1.4	Concurrent Notice and Hearings to Meet State Law Requirements	5.7.4 and 5.7.5
7.1.4.1	Activity	5.7.5
7.1.4.2	Alter	5.7.5
7.1.4.3	Bordering Vegetated Wetland	5.7.5
7.1.4.4	Buffer Zone	5.7.5
7.1.4.5	Ditch	5.7.5
7.1.4.6	Floodplain	5.7.5
7.1.4.7	Groundwater	5.7.5
7.1.4.8	Stream	5.7.5
7.1.4.9	Rare Species	5.7.5
7.1.4.10	Riverfront Area	5.7.5
7.1.4.11	Wetlands	5.7.5
7.1.5	Definition of "Person"	5.7.6
7.1.6	Authority to Enter Upon Lands	5.7.7
7.1.7	Authority to Deny Application	5.7.8
7.1.8	Authority to Impose Conditions	5.7.9
7.1.9	Authority to Require Posting of Bonds	7.10
7.1.10	Emergency Projects	5.7.11
7.1.11	Mosquito Control Exempt	5.7.12
7.1.12	Agricultural Work Exempt	5.7.13
7.1.13	Appeal of Decisions	5.7.14
7.1.14	Authority to Charge Fees to Hire Consultants	5.7.15
7.1.15	Authority to Issue Enforcement Orders	5.7.16 (1st paragraph)
7.1.16	Violations	5.7.17
7.1.17	Authority to Promulgate Rules	5.7.18
7.1.18	Enforcement	5.7.16 (2nd paragraph)

Deleted: "...and for the purposes of such non-criminal disposition the term "enforcing person" shall mean any member of the Conservation Commission, the Conservation Administrator or his or her designee."

7.2	Demolition of Structures of Potential Historical Significance	5.13
7.2.1	Purpose	5.13.1
7.2.2	Definitions	5.13.2
7.2.2.1	Business Day	5.13.2.1
7.2.2.2	Demolition	5.13.2.2
7.2.2.3	Emergency Demolition	5.13.2.3
7.2.2.4	Potentially Significant Structure	5.13.2.4
7.2.2.5	Preferably Preserved Historic Structure	5.13.2.5
7.2.2.6	Commission	5.13.2.6
7.2.2.7	Structure	5.13.2.7
7.2.3	Procedures	5.13.3
7.2.3.1	Inventory of Potentially Significant Structures	5.13.3.1
7.2.3.2	Referral by Building Inspector	5.13.3.2
7.2.3.3	Initial Determination	5.13.3.3
7.2.3.4	Hearing	5.13.3.4
7.2.3.5	Early Release	5.13.3.5
7.2.3.6	Preferably Preserved Historic Structure	5.13.3.6
7.2.3.7	Responsibility of Owner and Applicant	5.13.3.7
7.2.4	Release of Delay	5.13.4
7.2.5	Emergency Demolition	5.13.5
7.2.6	Enforcement and Remedies	5.13.6
---	This section deleted	5.17
7.3	Local Historic District	5.18
7.3.1	Purpose	5.18.1
7.3.2	Definitions	5.18.2
7.3.2.1	Alteration, to Alter	5.18.2
7.3.2.2	Building	5.18.2
7.3.2.3	Certificate	5.18.2
7.3.2.4	Commission	5.18.2
7.3.2.5	Construction, to Construct	5.18.2

General Bylaw - Detailed Changes

New Section		Old Section
7.3.2.6	Display Area	5.18.2
7.3.2.7	District	5.18.2
7.3.2.8	Exterior Architectural Feature	5.18.2
7.3.2.9	Person Aggrieved	5.18.2
7.3.2.10	Public Way	5.18.2
7.3.2.11	Structure	5.18.2
7.3.2.12	Temporary Structure or Building	5.18.2
7.3.3	District	5.18.3
7.3.4	Commission Composition and Appointments	5.18.4
7.3.4.1	Size and Terms	5.18.4.1
7.3.4.2	Commission Make-up	5.18.4.2
7.3.4.3	Alternates	5.18.4.3
7.3.4.4	Continuation of Terms	5.18.4.4
7.3.4.5	Meetings	5.18.4.5
7.3.4.6	Quorum	5.18.4.6
7.3.5	Commission Powers and Duties	5.18.5
7.3.5.1	Exercise of Powers	5.18.5.1
7.3.5.2	Adoption of Rules and Regulations	5.18.5.2
7.3.5.3	Adoption of Guidelines	5.18.5.3
7.3.5.4	Election of Officers	5.18.5.4
7.3.5.5	Record Keeping	5.18.5.5
7.3.5.6	Community Education	5.18.5.6
7.3.6	Alterations and Construction Prohibited Without a Certificate	5.18.6
7.3.6.1	Certificate Required for Improvements	5.18.6.1
7.3.6.2	No Alteration or Demolition without Certificate	5.18.6.2
7.3.7	Procedures for Review of Application	5.18.7
7.3.7.1	Application to Obtain Certificate	5.18.7.1
7.3.7.2	Time to Determine if Certificate Required	5.18.7.2
7.3.7.3	Certificate of Non-Applicability	5.18.7.3
7.3.7.4	Public Hearing on Application	5.18.7.4
7.3.7.5	Waiver of Hearing	5.18.7.5
7.3.7.6	Time to Act on Application for Certificate	5.18.7.6
7.3.7.7	Fixed by Renumbering - 7.3.7.7 was missing	5.18.7.7
7.3.7.8	Conditions on Certificates	5.18.7.8
7.3.7.9	Issuance of Certificate of Appropriates	5.18.7.9
7.3.7.10	Certificate of Hardship	5.18.7.10
7.3.7.11	Filing of Decisions	5.18.7.11
7.3.7.12	Failure to Act	5.18.7.12
7.3.7.13	Signing of Certificates	5.18.7.13
7.3.7.14	Appeal for Review of Decisions	5.18.7.14
7.3.8	Criteria for Determinations	5.18.8
7.3.8.1	Criteria	5.18.8.1
7.3.8.2	Appropriateness of New Construction and Additions	5.18.8.2
7.3.8.3	Interior Arrangements Exempt	5.18.8.3
7.3.8.4	Uses Exempt	5.18.8.4
7.3.8.5	Solar Energy Encouraged	5.18.8.5
7.3.9	Exclusions	5.18.9
7.3.9.1	Exclusions	5.18.9.1
7.3.9.2	Not Subject to Review	5.18.9.2
7.3.9.3	Maintenance	5.18.9.3
7.3.10	Categorical Approval	5.18.10
7.3.11	Enforcement	5.18.11
7.3.11.1	Enforcement	5.18.11.1

Changed From: "The Commission shall determine whether a particular activity is in violation of this bylaw, and the Commission shall be charged with the non-criminal enforcement of this bylaw, and seeking civil enforcement under Chapter 40C, Section 13 of the General Laws, after obtaining the necessary authority to do so."

Changed To: "In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in

General Bylaw - Detailed Changes

New Section

Old Section

accordance with the provisions of Section 1.8 of this bylaw, and M.G.L. Chapter 40, Section 21D."	
7.3.11.2 Building Inspector Authorized to Enforce	5.18.11.2
7.3.11.3 Investigation of Complaints	5.18.11.3
--- This section deleted	5.18.11.4
--- This section deleted	5.18.12
7.4 Regulation of Certain Motor Vehicles	5.12
7.4.1 Unregistered, Uninspected, Disassembled Motor Vehicles Prohibited	5.12.1
7.4.1.1 Exceptions-Farm Vehicles	5.12.1.1
7.4.1.2 Exceptions – Dealers	5.12.1.2
7.4.1.3 Exceptions – Auto Body Repair	5.12.1.3
7.4.1.4 Exceptions – Personal Property	5.12.1.4
7.4.1.5 Exceptions – Qualifies for Inspection and Registration	5.12.1.5
7.4.2 Enforcement	5.12.2
7.4.2.1 Violation Notice	5.12.2.1
Changed From: Any vehicle(s) maintained on property in violation of Section 5.12.1 hereof thirty (30) days after issuance of notice of such violation from the Building Inspector or Police Department shall be in violation of this Bylaw; and any person violating the provisions of this Bylaw shall be punished by a fine of Twenty Five Dollars (\$25.00) for each offense and each day that such offense continues shall be considered a separate offense.	
Changed To: Any vehicle(s) maintained on property in violation of this bylaw thirty (30) days after issuance of notice of such violation from the Building Inspector or Police Department shall be in violation of this bylaw.	
7.4.2.2 Non-Criminal Disposition	5.12.2.2
7.5 Wells Changed from Excavation and Wells	5.4
--- This section deleted	5.4.1
7.5.1 Well Safety	5.4.2
Added: "fill the well under a permit received from the Board of Health, or" in first sentence.	
7.5.2 Enforcement	---
7.6 Licenses	4.5
7.6.1 General Provisions	---
7.6.2 Transport	4.5.1
7.6.2.1 License Required	4.5.1.1
7.6.2.2 All Vehicles to be Licensed	4.5.1.2
Changed From: Such License shall expire on the thirtieth day of April each year	
Changed To: Such License shall expire on December 31 of each year	
7.6.2.3 Information to be Placed on Vehicles	4.5.1.3
7.6.3 Junk	4.5.2
7.6.3.1 License Required	4.5.2.1
7.6.3.2 Dealers in Junk, Old Metals, Second Hand Articles	4.5.2.2
7.6.3.3 Junk Collectors	4.5.2.3
7.6.3.4 Enforcement	---
7.7 Retail Sales	5.10
7.7.1 Hours of Operation	5.10.1
7.7.2 Exceptions	5.10.2
7.7.3 Innholders	5.10.3
7.7.4 License to permit Operation between Midnight and 6:00 AM	5.10.4
7.7.4.1 Reasons for Night-time Operation	5.10.4.1
7.7.4.2 Findings for Approval of Night-time Operation	5.10.4.2
7.7.5 Hearing for Initial Approval	5.10.5
7.7.6 Enforcement	5.10.6

Changed From: Any person violating any of the provisions of this Bylaw shall be punished by a fine of not more than Three Hundred Dollars (\$300.00) for each offense, and in the case of continuing violation, every calendar day upon which such retail, or commercial operation or place of business shall remain open for retail business in violation of this Bylaw shall be considered a separate offense.

Changed To: In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and M.G.L. Chapter 40, Section 21D.

General Bylaw - Detailed Changes

New Section	Old Section
7.8 Outdoor Loudspeakers and Public Address Systems	5.16
ARTICLE 8 - PUBLIC ORDER	
8.1 Streets, Highways and Public Property	5.2
8.1.1 Obstructions Prohibited	5.2.1
8.1.2 Approval Required for Parade	5.2.2
8.1.3 Silly String Prohibition	5.2.9
8.1.4 Removal of Vehicles – Snow Removal	5.2.3
8.1.5 Prohibiting Placing Snow on Public Property	5.2.4
Deleted: 2nd Paragraph	
8.1.6 Prohibiting Putting Water on Public Way	5.2.5
8.1.7 Driveway Permits Required	5.2.6
8.1.8 Permit for Rubbish and other Material Hauling	5.2.7
Deleted: 2nd Paragraph	
8.1.9 Permit for the Use of Public Property	5.2.8
Any references to Board of Selectmen in old section changed to Director of Public Works in new Section.	
8.1.10 Enforcement	---
8.2 Scenic Roads	5.8
8.2.1 Designation	5.8.1
8.2.2 Limitations on Work on a Public Way	5.8.2
8.2.3 Regulations	5.8.3
8.3 Emergency Vehicle Access and Fire Lanes	5.14
8.3.1 Purpose	5.14.1
8.3.2 Definition	5.14.6
8.3.3 Blocking Access Prohibited	5.14.2
8.3.4 Blocking Fire Lane Prohibited	5.14.3
8.3.5 Exemptions	5.14.4
8.3.6 Signs for Fire Lane	5.14.5
8.3.7 Enforcement	5.14.7
Deleted: 2nd Paragraph	
8.4 Designated Parking Spaces & Curb Ramps for Disabled Veterans or Handicapped Person	5.15
8.4.1 Parking for Disabled Veteran or Handicapped Persons Required	5.15.1
8.4.2 Parking Spaces Required	5.15.2
8.4.3 Identification of Spaces	5.15.3
8.4.4 Signs Placed and Maintained	5.15.4
8.4.5 Parking Only with Distinguishing Disabled Veterans or Handicapped Person's Identification Permitted	5.15.5
8.4.6 Enforcement	5.15.6
Deleted: 2nd Paragraph	
8.5 Public Works	5.1
8.5.1 Street Numbering	---
8.5.1.1 Establishment of Numbering System	5.1.1
8.5.1.2 Street Numbering Required to be Affixed to Buildings	5.1.2
8.5.2 Dumping of Waste Regulated	5.1.3
8.5.3 Public Water Service	---
8.5.3.1 Tampering Prohibited	5.1.4
8.5.3.2 Entry Required	5.1.5
8.5.4 Water Supply Protection	5.1.6
8.5.4.1 Purpose	5.1.6.1
8.5.4.2 Water Emergency	5.1.6.2
8.5.5 Creating a Hazard Prohibited	5.5.7
8.5.6 Violation and Enforcement	5.1.6.3

Changed From: Any user of water supplied by the Town who violates this Bylaw shall be liable to the Town in the amount of Fifty Dollars (\$50.00) for the first violation and One Hundred Dollars (\$100.00) for each subsequent violation, which fine shall inure to the Town for such uses as the Board of Selectmen may direct. In addition to any other means of enforcement, the provisions of this Bylaw may be enforced by non-criminal disposition in accordance with the provisions of

General Bylaw - Detailed Changes

New Section

Old Section

Section 5.11 of these Bylaw and Section 21D of Chapter 40 of the General Laws; and for the purposes of such non-criminal disposition, the term "enforcing person" shall mean any member of the Board of Selectmen, the Town Manager, any Police Officer of the Town, the Director of Public Works, or his designee, and Health Director, or his designee. Further, any enforcing person, or his designee or agent, may enter onto any property and in any building thereon for the purpose of inspecting or investigating any violation of this Bylaw or enforcing the same, except no dwelling unit shall be entered without the consent of the resident.

Changed To: In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and M.G.L. Chapter 40, Section 21D. Further, any enforcing person, or his designee or agent, may enter onto any property and in any building thereon for the purpose of inspecting or investigating any violation of this bylaw or enforcing the same, except that no dwelling unit shall be entered without the consent of the resident.

8.6	Anti-Litter Entire section was re-written	5.3
8.7	News Racks Entire section was re-written	5.9
8.8	Animal Control	5.6
8.8.1	Definitions	5.6.1
8.8.1.1	Animal Control Officer (ACO)	5.6.1.1
8.8.1.2	Banishment	5.6.1.2
8.8.1.3	Destruction	5.6.1.3
8.8.1.4	Effective Voice Control	5.6.1.4
8.8.1.5	Keeper	5.6.1.5
8.8.1.6	Kennel	5.6.1.6
8.8.1.7	Kennel License	5.6.1.7
8.8.1.8	License	5.6.1.8
8.8.1.9	License Transfer	5.6.1.9
8.8.1.10	License Period	5.6.1.10
8.8.1.11	Muzzling	5.6.1.11
8.8.1.12	Nuisance Animal	5.6.1.12
8.8.1.13	Permanent Restraint	5.6.1.13
8.8.1.14	Restraint	5.6.1.14
8.8.1.15	Running at Large	5.6.1.15
8.8.1.16	Temporary Restraint	5.6.1.16
8.8.1.17	Vicious Dog	5.6.1.17
8.8.1.18	Other Meanings	5.6.1.18
8.8.2	Vaccination, Licensing and Fees	5.6.2
8.8.2.1	Three or fewer dogs	5.6.2.1 and 5.6.2.1.1 – 5.6.2.1.9
8.8.2.2	Four or more dogs	5.6.2.2 and 5.6.2.2.1 – 5.6.2.2.9
8.8.3	Conduct of Animals	5.6.3
8.8.3.1	Endangering Safety	5.6.3.1
8.8.3.2	Disturbing the Peace	5.6.3.2
8.8.3.3	Damaging Property	5.6.3.3
8.8.3.4	Running at Large	5.6.3.4
8.8.3.5	Chasing	5.6.3.5
8.8.3.6	Dog Litter	5.6.3.6
8.8.4	Animal Control Officer	5.6.4
8.8.4.1	Appointment	5.6.4.1
8.8.4.2	Duties	5.6.4.2
8.8.5	Animal Control Appeals Committee (ACAC)	5.6.5
8.8.5.1	Composition of the ACAC	5.6.5.1
8.8.5.2	Right to Appeal	5.6.5.2
8.8.5.3	Findings and Further Appeals	5.6.5.3
8.8.5.4	Hearings	5.6.5.4
8.8.5.5	Further Appeals	5.6.5.5
8.8.6	Vicious Dogs	5.6.6
8.8.6.1	Declaring a Dog Vicious	5.6.6.1
8.8.6.2	Procedure for Declaring a Vicious Dog	5.6.6.2
8.8.6.3	Exceptions	5.6.6.3
8.8.6.4	Remedies	5.6.6.4

General Bylaw - Detailed Changes

New Section		Old Section
8.8.7	Penalties	5.6.7
8.8.7.1	Fines	5.6.7.1
8.8.7.2	Reimbursement of Costs	5.6.7.2
8.8.7.3	Penalties for Violating Restraint Orders	5.6.7.3
8.8.8	Miscellaneous	5.6.8
8.8.8.1	Enforcement	5.6.8.1
<p>Changed From: Non-Criminal Disposition of Violations. The ACO may, as an alternative to initiating criminal proceedings, initiate and pursue proceedings for the non-criminal disposition of any violation of this bylaw, in accordance with the provisions of Massachusetts General Laws Chapter 40, Section 21D, to the extent of the specific penalty provided therefore.</p> <p>Changed To: In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and M.G.L. Chapter 40, Section 21D.</p>		
8.8.8.2	Incorporation of State Law	5.6.8.2
---	This section deleted	5.6.8.3
8.9	Public Conduct	5.5
8.9.1	Firearms	5.5.1
8.9.2	Peeping	5.5.2
8.9.3	Burning Leaves	5.5.3
8.9.4	Public Buildings, Public Property and Public Ways	5.5.4
8.9.4.1	Gambling Prohibited	5.5.4.1
8.9.4.2	Liquor Prohibited	5.5.4.1
8.9.4.3	Tobacco Regulated	5.5.4.2
8.9.5	Loitering	5.5.5
8.9.6	Consumption of Alcoholic Beverages	5.5.6
<p>Added: "except as otherwise authorized by the Board of Selectmen, special Statute or general laws." to end of first paragraph.</p>		
8.9.7	Public Consumption of Marijuana or Tetrahydrocannabinol	5.5.10
8.9.8	Construction Hours	5.5.8
8.9.8.1	Purpose	5.5.8.1
8.9.8.2	Definition	5.5.8.2
8.9.8.3	Hours	5.5.8.3
8.9.8.4	Exemptions	5.5.8.4
8.9.8.5	Permits	5.5.8.5
8.9.8.6	Unreasonable Noise	5.5.8.6
8.9.8.7	Copy of the Bylaw	5.5.8.7
8.9.8.8	Enforcement	5.5.8.8
<p>Changed From: "The Police Department, Zoning Officer and/or other agent designated by the Town Manager shall enforce the restrictions of this bylaw. Fines shall be assessed and collected in the amount of up to \$300.00 for each violation. Each day or portion thereof that a violation continues shall constitute a separate offense. Any alleged violation of this bylaw may, in the sole discretion of the enforcing agent, be made the subject matter of non-criminal disposition proceedings commenced by such agent under Section 21D of Chapter 40 of the General Laws."</p> <p>Changed To: "In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and M.G.L. Chapter 40, Section 21D."</p>		
8.9.9	Door-To-Door Solicitors and Canvassers	5.5.9
8.9.9.1	Definitions	5.5.9.1, 5.5.9.1.1
8.9.9.1	Applicability	5.5.9.1.2, 5.5.9.1.3, 5.5.9.1.4
8.9.9.2	Registration Required	5.5.9.2
8.9.9.3	Application for Certificate of Registration	5.5.9.3
8.9.9.4	Revocation of Certificate	5.5.9.4
8.9.9.5	Deceptive Practices	5.5.9.5
8.9.9.6	Duties of Solicitors and Canvassers	5.5.9.6
8.9.9.7	Enforcement	5.5.9.8
<p>Changed From: Penalty for Violations Any solicitor or canvasser who violates any provision of this section shall be punishable in accordance with Section 1.5 of the Town of Reading General Bylaws.</p>		

General Bylaw - Detailed Changes

New Section

Old Section

Changed To: In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and M.G.L. Chapter 40, Section 21D.

--- Building Code is maintained as a separate document

Article 6

APPENDICES

Appendix A: Map – West Street Historic District

5.18.13

Appendix B: Table of Organization

Town of Reading Massachusetts



General Bylaw

Table of Contents**ARTICLE 1 GENERAL PROVISIONS**

1.1	Purpose	3
1.2	Construction of Bylaw	3
1.3	Amendment	3
1.4	Renumbering of the General Bylaw	3
1.5	Repeal	3
1.6	Violations	3
1.7	Enforcement	3
1.8	Non-Criminal Disposition of Certain Violations of Bylaw	3
1.9	Severability	5
1.10	Definitions	5

ARTICLE 2 TOWN MEETING

2.1	General	7
2.2	Conduct of Town Meeting	8

ARTICLE 3 TOWN OFFICES AND TOWN OFFICERS

3.1	Elected Town Officers	12
	Board of Selectmen	12
3.2	Appointed Officers	12
	Town Treasurer-Collector	12
	Town Accountant	12
	Town Clerk	12
3.3	Appointed Boards, Committees, Commissions	13
	General	13
	Finance Committee	14
	Bylaw Committee	14
	Council on Aging	14
	Audit Committee	14

ARTICLE 4 PERSONNEL

4.1	Personnel	16
4.2	Physical Qualifications for all Compensated Town Employees	17

ARTICLE 5 CONDUCT OF TOWN BUSINESS

5.1	Annual Town Reports and Records	19
5.2	Resolution of Legal Matters	19
5.3	Rules and Regulations	19

ARTICLE 6 FINANCIAL PROCEDURES

6.1	Capital Improvements Program	21
6.2	Disposal of Surplus Property	21
6.3	Delinquent Taxes; Denial, Revocation and Suspension of Permits and Licenses	21
6.4	Surcharge on Details	22
6.5	Grant Fund Applications	22

ARTICLE 7 REGULATIONS ON THE USE OF LAND

7.1	Wetlands Protection	23
7.2	Demolition of Structures of Potential Historical Significance	26
7.3	Local Historic District	29
7.4	Regulation of Certain Motor Vehicles	36
7.5	Wells	37
7.6	Licenses	37
7.7	Retail Sales	38
7.8	Outdoor Loudspeakers and Public Address Systems	39

ARTICLE 8 PUBLIC ORDER

8.1	Streets, Highways and Public Property	40
8.2	Scenic Roads	41
8.3	Emergency Vehicle Access and Fire Lanes	42
8.4	Designated Parking Spaces and Curb Ramps for Disabled Veterans or Handicapped Persons	43
8.5	Public Works	44
8.6	Anti-Litter	45
8.7	News Racks	48
8.8	Animal Control	53
8.9	Public Conduct	61

APPENDICES

Map - West Street Historic District	66
Table of Organization	67

CHRONOLOGY 68

Not a part of the General Bylaw document. For information purposes only.

INDEX 72

Not a part of the General Bylaw document. For information purposes only.

ARTICLE 1 GENERAL PROVISIONS

1.1 Purpose

The purpose of this bylaw is to implement the provisions of the Reading Home Rule Charter, and establish rules conducive to the welfare of the Town and the convenience of its inhabitants, the orderly direction and management of its affairs, and the preserving of peace and good order within its limits.

1.2 Construction of Bylaw

This bylaw shall be construed so as to give it effect consistent with the ordinary and reasonable meaning of its provisions and with the provisions of any general or special laws then in effect adopted by the Commonwealth of Massachusetts. No provisions of this bylaw shall be construed to limit the powers and duties of officers, boards, committees and commissions imposed upon them by applicable provisions of the general or special laws of Massachusetts or the Reading Home Rule Charter. The provisions of any bylaw so far as they are the same as the provisions of a bylaw heretofore in force, shall be construed as a continuation thereof and not as new enactments.

1.3 Amendment

This bylaw may be amended at any Annual or Special Town Meeting by a majority vote of Town Meeting Members present and voting at said meeting, provided that an article or articles for that purpose shall have been inserted in the warrant for said meeting.

1.4 Renumbering of the General Bylaw

Non-substantive changes to the numbering of the various bylaws within the Code of the Town of Reading shall be permitted in order that the numbering of amendments thereto and other consequent renumbering changes resulting there from be in compliance with the numbering format of said Code.

1.5 Repeal

The repeal of any section of this bylaw shall not affect any act done nor any right accrued or established nor any action or suit or proceeding commenced or had in a civil case, nor affect any punishment or penalty or forfeiture incurred under such bylaw.

1.6 Violations

1.6.1 Duty of Police to Enforce

It shall be the duty of the police to enforce the provisions of this bylaw, and to make complaint against any person violating the same. Prosecutions for offenses under this bylaw may be made by any police officer of the town, and all fines shall be paid into the Town treasury.

1.6.2 Fines

Except as otherwise provided specifically in any article of this bylaw, any person violating any of the provisions of this bylaw shall be punished by a fine of not more than Three Hundred (\$300) Dollars for each offense.

1.7 Enforcement

Any person violating any of the provisions of this bylaw shall be punished by a fine of not more than Three Hundred (\$300) Dollars for each offense, and in the case of continuing violation, every calendar day upon which such violation shall remain shall be considered a separate offense.

1.8 Non-Criminal Disposition of Certain Violations of Bylaw

In addition to any other means of enforcement, the provisions of the following sections of the bylaw may be enforced by non-criminal disposition in accordance with the provisions of M.G.L. Chapter 40, Section 21D. For the purposes of such non-criminal disposition, the following table establishes the "enforcing person" and the penalties. Each day upon which the violation occurs is considered to be a separate offense.

Bylaw Section	Bylaw Title	Enforcing Person	Penalty – First Offense	Penalty – Second Offense	Penalty – Additional Offences
7.1	Wetlands Protection	Conservation Commission Conservation Administrator	\$100	\$200	\$300
7.3	Local Historic District	Historic District Commission Building Inspector	\$100	\$200	\$300
7.4	Regulation of Certain Motor Vehicles	Police Department Building Inspector	\$25	\$50	\$100
7.5	Wells	Health Director	\$200	\$300	\$300
7.6	Licenses	Board of Selectmen Town Manager Police Department	\$25	\$50	\$100
7.7	Retail Sales	Police Department Building Inspector	\$100	\$200	\$300
8.1	Streets, Highways and Public Property	Director of Public Works Police Department	\$25	\$50	\$100
8.3	Emergency Vehicle Access and Fire Lane	Police Department Fire Department	\$100	\$200	\$300
8.4	Handicapped Spaces	Police Department	\$100	\$150	\$200
8.5	Public Works	Board of Selectmen Town Manager Police Department Director of Public Works Health Director	\$100	\$200	\$300
8.6	Anti-Litter	Health Director Police Department	Warning	\$100	\$300
8.8	Animal Control	Animal Control Officer	\$50	\$100	\$300
8.9.1 8.9.2 8.9.3 8.9.4 8.9.5 8.9.6	Public Conduct	Police Department	\$50	\$100	\$300
8.9.7	Public Consumption of Marijuana or Tetrahydrocannabinol	Police Department	\$300	\$300	\$300
8.9.8	Construction Hours	Police Department Zoning Officer Town Manager	\$300	\$300	\$300
8.9.9	Door-To-Door Solicitors and Canvassers	Police Department	\$100	\$200	\$300

1.9 Severability

In the event any article or section, subsection or provision of any article of this bylaw shall be held to be unconstitutional or invalid, such invalidity shall not affect the validity or constitutionality of any other article or any other section, subsection or provision hereof.

1.10 Definitions**1.10.1 Bylaw**

Any articles, sections, subsections or paragraphs of the general and zoning bylaw of the Town, and any amendments thereto.

1.10.2 Charter

Reading Home Rule Charter adopted March 24, 1986 and any amendments thereto made through any of the methods provided under Article LXXXIX of the amendments to the State Constitution.

1.10.3 He, His, Himself

Wherever in this bylaw the word "he" appears, this shall also mean "she", "his" shall also mean "her" and "himself" shall also mean "herself".

1.10.4 Inhabitant

A person who has established permanent residence in the Town.

1.10.5 M.G.L

Massachusetts General Laws.

1.10.6 Motion

A formal proposal by a member in a meeting that the body take certain action.

1.10.7 Official Body

Any Town officer, board, committee, commission, council, trusteeship or authority authorized by the Charter or bylaw with the exception of Town Meeting.

1.10.8 Person

Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate or any other legal entity or its legal representatives, agents or assigns.

1.10.9 Precincts

The areas into which the Town is divided for the purpose of conducting elections.

1.10.10 Private

When applied to any area, way or property shall mean that which is owned or leased by other than a governmental entity.

1.10.11 Public

When applied to any area, way or property shall mean that which is owned or leased by the Town or other governmental entity.

1.10.12 Public Street

The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for the purposes of vehicular and/or pedestrian travel and it includes any alley or other public property in the Town.

1.10.13 Roadway

That portion of a public street improved, designed or ordinarily used for vehicular travel including the curb or shoulder.

1.10.14 Sidewalk

That portion of a public street between the curb lines or lateral lines of a roadway and the adjacent property lines intended for use by pedestrians.

1.10.15 Town Officer

An elected or appointed person except for a Town Meeting Member who, in the performance of his duties of office, exercises some portion of the sovereign power of the Town whether great or small.

1.10.16 Warrant

A list of articles to be presented for Town Meeting consideration, with each article describing and establishing the scope of business to be considered under such article.

ARTICLE 2 TOWN MEETING

2.1 General

2.1.1 Date of Annual Town Election

The Annual Town Meeting shall be held on the third Tuesday preceding the fourth Monday in April of each year for the election of Town officers and for such other matters as required by law to be determined by ballot. Notwithstanding the foregoing, in any year in which presidential electors are to be elected, the Board of Selectmen may schedule the commencement of the Annual Town Meeting for the same date designated as the date to hold the Presidential Primary.

2.1.2 Hours of Election

The polls for the Annual Town Meeting shall be opened at 7:00 AM and shall remain open until 8:00 PM.

2.1.3 Annual Town Meeting Business Sessions

All business of the Annual Town Meeting, except the election of such Town officers and the determination of such matters are required by law to be elected or determined by ballot, shall be considered at an adjournment of such meeting to be held at 7:30 PM on the fourth Monday in April, except if this day shall fall on a legal holiday, in which case the meeting shall be held on the following day or at a further adjournment thereof.

2.1.4 Subsequent Town Meeting

A Special Town Meeting called the Subsequent Town Meeting shall be held on the second Monday in November, except if this day shall fall on a legal holiday, in which case the meeting shall be held on the following day. The Subsequent Town Meeting shall consider and act on all business as may properly come before it except the adoption of the annual operating budget.

2.1.5 Adjourned Town Meeting Sessions

Adjourned sessions of every Annual Town Meeting after the first such adjourned session provided for in Section 2.1.3 of this Article and all sessions of every Subsequent Town Meeting, shall be held on the following Thursday at 7:30 PM and then on the following Monday at 7:30 PM, and on consecutive Mondays and Thursdays unless a resolution to adjourn to another time is adopted by a majority vote of Town Meeting Members present and voting.

2.1.6 Posting of the Warrant

The Board of Selectmen shall give notice of the Annual, Subsequent or any Special Town Meeting at least fourteen (14) days prior to the time of holding said meeting by causing an attested copy of the warrant calling the same to be posted in one (1) or more public places in each precinct of the Town, and either causing such attested copy to be published in a local newspaper or providing in a manner such as electronic submission, holding for pickup, or mailing, an attested copy of said warrant to each Town Meeting Member.

2.1.7 Closing of the Warrant

All Articles for the Annual Town Meeting shall be submitted to the Board of Selectmen not later than 8:00 PM on the fifth (5th) Tuesday preceding the date of election of Town officers, unless this day is a holiday in which case the following day shall be substituted. All articles for the Subsequent Town Meeting shall be submitted to the Board of Selectmen not later than 8:00 PM on the seventh (7th) Tuesday preceding the Subsequent Town Meeting in which action is to be taken, unless this day is a holiday in which case the following day shall be substituted.

2.1.8 Delivery of the Warrant

The Board of Selectmen, after drawing a Warrant for a Town Meeting, shall immediately deliver a copy of such Warrant to each member of the Finance Committee, the Community Planning and Development Commission, the Bylaw Committee and the Moderator.

2.2 Conduct of Town Meeting

2.2.1 In the conduct of all Town Meetings, the following rules shall be observed

- Rule 1** A majority of Town Meeting Members shall constitute a quorum for doing business.
- Rule 2** All articles on the warrant shall be taken up in the order of their arrangement in the warrant unless otherwise decided by a majority vote of the members present and voting.
- Rule 3** Prior to debate on each article in a warrant involving the expenditure of money, the Finance Committee shall advise Town Meeting as to its recommendations and the reasons therefore.
- Rule 4** Prior to a debate on each article in a warrant involving changes in the bylaw or Charter, petitions for a special act, or local acceptance by Town Meeting of a State statute, the Bylaw Committee shall advise Town Meeting as to its recommendations and reasons therefore.
- Rule 5** Every person shall stand when speaking as they are able, shall respectfully address the Moderator, shall not speak until recognized by the Moderator, shall state his name and precinct, shall confine himself to the question under debate and shall avoid all personalities.
- Rule 6** No person shall be privileged to speak or make a motion until after he has been recognized by the Moderator.
- Rule 7** No Town Meeting Member or other person shall speak on any question more than ten (10) minutes without first obtaining the permission of the meeting.
- Rule 8** Any non-Town Meeting Member may speak at a Town Meeting having first identified himself to the Moderator. A proponent of an article may speak on such article only after first identifying himself to the Moderator and obtaining permission of Town Meeting to speak. No non-Town Meeting Member shall speak on any question more than five (5) minutes without first obtaining the permission of the Meeting. Non-Town Meeting Members shall be given the privilege of speaking at Town Meeting only after all Town Meeting Members who desire to speak upon the question under consideration have first been given an opportunity to do so.
- Rule 9** Members of official bodies and Town officials who are not Town Meeting Members shall have the same right to speak, but not to vote, as Town Meeting Members on all matters relating to their official bodies.
- Rule 10** No speaker at a Town Meeting shall be interrupted except by a Member making a point of order or privileged motion or by the Moderator.
- Rule 11** Any person having a monetary or equitable interest in any matter under discussion at a Town Meeting, and any person employed by another having such an interest, shall disclose the fact of his interest or his employer's interest before speaking thereon.
- Rule 12** The Moderator shall decide all questions of order subject to appeal to the meeting, the question on which appeal shall be taken before any other.
- Rule 13** When a question is put, the vote on all matters shall be taken by a show of hands, and the Moderator shall declare the vote as it appears to him. If the Moderator is unable to decide the vote by the show of hands, or if his decision is immediately questioned by seven (7) or more Members, or if the Moderator determines that a counted vote is required such as for a debt issue or Home Rule Petition, he shall determine the question by ordering a standing vote, and he shall appoint tellers to make and return the count

directly to him. On request of not less than twenty (20) members, a vote shall be taken by roll call.

Rule 14 All original main motions having to do with the expenditure of money shall be presented in writing, and all other motions shall be in writing if so directed by the Moderator.

Rule 15 No motion shall be received and put until it is seconded. No motion made and seconded shall be withdrawn if any Member objects. No amendment not relevant to the subject of the original motion shall be entertained.

Rule 16 When a question is under debate, no motion shall be in order except:

- to adjourn,
- to lay on the table or pass over,
- to postpone for a certain time,
- to commit,
- to amend,
- to postpone indefinitely, or
- to fix a time for terminating debate and putting the question, and the aforesaid several motions shall have precedence in the order in which they stand arranged in this rule.

Rule 17 Motions to adjourn (except when balloting for offices and when votes are being taken) shall always be first in order. Motions to adjourn, to move the question, to lay on the table and to take from the table shall be decided without debate.

Rule 18 The previous question shall be put in the following form or in some other form having the same meaning: "Shall the main question now be put" and until this question is decided all debate on the main question shall be suspended. If the previous question is adopted, the sense of the meeting shall immediately be taken upon any pending amendments in the order inverse to that in which they were moved, except that the largest sum or the longest time shall be put first and finally upon the main question.

Rule 19 The duties of the Moderator and the conduct and method of proceeding at all Town Meetings, not prescribed by law or by rules set forth in this article, shall be determined by rules of practice set forth in "Town Meeting Time Third Edition" except that to lay on the table shall require a majority vote.

2.2.2 Attendance by Officials

It shall be the duty of every official body, by a member thereof, to be in attendance at all Town Meetings for the information thereof while any subject matter is under consideration affecting such official body.

2.2.3 Appointment of Committees

All committees authorized by Town Meeting shall be appointed by the Moderator unless otherwise ordered by a vote of the Members present and voting. All committees shall report as directed by Town Meeting. If no report is made within a year after the appointment, the committee shall be discharged unless, in the meantime, Town Meeting grants an extension of time. When the final report of a committee is placed in the hands of the Moderator, it shall be deemed to be received, and a vote to accept the same shall discharge the committee but shall not be equivalent to a vote to adopt it.

2.2.4 Motion to Reconsider

2.2.4.1 Notice to Reconsider

A motion to reconsider any vote must be made before the final adjournment of the meeting at which the vote was passed but such motion to reconsider shall not be made at an adjourned meeting unless the mover has given notice of his intention to make such a

motion, either at the session of the meeting at which the vote was passed or by written notice to the Town Clerk within twenty-four (24) hours after the adjournment of such session. When such motion is made at the session of the meeting at which the vote was passed, said motion shall be accepted by the Moderator but consideration thereof shall be postponed to become the first item to be considered at the next session, unless all remaining articles have been disposed of, in which case reconsideration shall be considered before final adjournment. There can be no reconsideration of a vote once reconsidered or after a vote not to reconsider. Reconsideration may be ordered by a vote of two-thirds (2/3) of the members present. Arguments for or against reconsideration may include discussion of the motion being reconsidered providing such discussion consists only of relevant facts or arguments not previously presented by any speaker.

2.2.4.2 Federal or State Law Affecting Reconsideration

The foregoing provisions relating to motions to reconsider shall not apply to any such motion made by the Board of Selectmen and authorized by the Moderator as necessary for the reconsideration of actions previously taken by Town Meeting by reason of State or Federal action or inaction or other circumstances not within the control of the Town or Town Meeting. In the event such a motion to reconsider is made and authorized, said motion may be made at any time before the final adjournment of the meeting at which the vote was passed, said motion may be made even if the vote was already reconsidered or was the subject of a vote not to reconsider, and reconsideration may be ordered by a vote of two-thirds (2/3) of the Members present.

2.2.4.3 Posting and Advertising

Notice of every vote to be reconsidered at an adjourned Town Meeting shall be posted by the Town Clerk in one (1) or more public places in each precinct of the Town as soon as possible after adjournment, and he shall, if practicable, at least one day before the time of the next following session of said adjourned meeting, publish such notice in some newspaper published in the Town. Said notice shall include the vote to be reconsidered and the place and time of the next following session of said adjourned meeting. The foregoing notice provisions shall not apply when a motion to reconsider any Town Meeting action is made publicly at Town Meeting before the adjournment of any session of any adjourned Town Meeting.

2.2.5 State of the Town

The Selectmen shall, at each Annual Town Meeting, give to the Members information on the "State of the Town."

2.2.6 Annual Precinct Meeting

Town Meeting Members and Town Meeting Members-elect from each precinct shall hold an annual precinct meeting after the annual Town election but before the convening of the business sessions of the Annual Town Meeting. The purpose of the meeting shall be the election of a Chairman and a Clerk and to conduct whatever business may be appropriate. Chairmen shall serve no more than six (6) consecutive years in that position. Additional precinct meetings may be called by the Chairman or by a petition of six (6) Town Meeting Members of the precinct.

2.2.7 Removal of Town Meeting Members

2.2.7.1 Notice of Attendance

The Town Clerk shall mail, within thirty (30) days after the adjournment *sine die* of the Annual Town Meeting, to every Town Meeting Member who has attended less than one-half of Town Meeting sessions since the most recent Annual Town Election, a record of his attendance and a copy of Section 2-6 of the Charter.

2.2.7.2 Precinct Recommendation

All Precinct meeting held prior to consideration by Town Meeting of the warrant article pursuant to Section 2-6 of the Charter. Town Meeting Members of each precinct shall

adopt a recommendation to Town Meeting on whether each member from the precinct listed in the warrant per Section 2-6 of the Charter should be removed from Town Meeting. The Chairman of each precinct or his designee shall make such recommendations along with supporting evidence and rationale to Town Meeting.

2.2.7.3 Grouped by Precinct

The names of the Members subject to removal in accordance with Section 2-6 of the Charter shall be grouped by precinct in the warrant article required by said section.

2.2.8 Meetings During Town Meeting

No appointed or elected board, committee, commission or other entity of Town government shall schedule or conduct any hearing, meeting or other function during any hours in which an Annual, Subsequent or Special Town Meeting is in session or is scheduled to be in session. Any such board, committee or commission which schedules or holds a meeting or hearing on the same calendar day, but at a time prior to a session of Town Meeting, shall adjourn or recess not less than five (5) minutes prior to the scheduled session of Town Meeting.

Any board, committee or commission may, at the opening of any session of Town Meeting, present to that Town Meeting an instructional motion requesting an exemption from this bylaw and asking that Town Meeting permit it to meet at a date and hour at which a future session of Town Meeting is scheduled, and may present reasons for Town Meeting to give such permission. Notwithstanding the foregoing, any board, committee or commission which meets the requirements of M.G.L. Chapter 39, Section 23B concerning emergency meetings may, upon meeting such requirements, conduct such a meeting or hearing at a time scheduled for a Town Meeting.

2.2.9 Rules Committee

The members of the Rules Committee, established under Section 2-12 of the Charter, shall hold an annual meeting within thirty (30) days after the adjournment of the Annual Town Meeting for the purpose of electing a Chairman and a Clerk and to conduct whatever business may be appropriate. Additional Rules Committee meetings may be called by the Chairman.

In the absence of a Chairman, the Moderator shall convene a meeting of the Rules Committee within sixty (60) days after a vacancy for the purpose of electing a new Chairman.

ARTICLE 3 TOWN OFFICES AND TOWN OFFICERS

3.1 Elected Town Officers

3.1.1 Board of Selectmen

The Board of Selectmen is hereby authorized and empowered to aid any city or town bordering upon Reading in repairing and maintaining the physical properties of water supply systems of said cities or towns under the authority of M.G.L. Chapter 40, Section 39H and may extend such aid subject to such terms and conditions as said Board may impose.

3.2 Appointed Town Officers

3.2.1 Town Treasurer-Collector

3.2.1.1 Duties

The Town Treasurer-Collector shall collect, under the title of Town Treasurer-Collector, all accounts due the Town which are committed to him.

3.2.1.2 Collection and Abatement

Any account committed by the Town Accountant, which the Town Treasurer-Collector is unable to collect by ordinary efforts, may be referred by the Town Treasurer-Collector to the Town Accountant or Town Counsel for instruction as to procedure. So far as permitted by law, any account or portion thereof may be abated by the department in which such account originated subject to the approval of the Town Manager. The Town Accountant shall be notified in writing of the abatement of any such committed account or portion thereof.

3.2.1.3 Receipts

The Town Treasurer-Collector shall, at least once in each week, pay over to the Treasurer's accounts all money received by him during the preceding week or lesser period, including any sum received as interest on moneys received by him on all accounts committed to him and deposited in any bank. He shall give bond to the Town for the faithful performance of his duties in a form approved by the Commissioner of Revenue and in such sum, not less than the amount that may be established by said Commissioner, as shall be fixed by the Selectmen.

3.2.2 Town Accountant

Every department of the Town shall deliver to the Town Accountant at least once in every month a separate statement of each account due the Town arising through any transaction with such Department. Upon receipt of such statements of accounts, the Town Accountant shall commit such accounts to the Town Treasurer-Collector for collection. This section shall not apply to

- taxes and special assessments, licenses and permits issued or granted by the various departments of the Town,
- costs and fees charged by said departments,
- interest on investments of sinking or trust funds or
- accounts due the Municipal Light Department.

3.2.3 Town Clerk

3.2.3.1 Duties

The Town Clerk shall keep a record which contains a true copy of all deeds and conveyances executed by the Board of Selectmen, or by any other authorized board or person.

3.2.3.2 Filing at Registry of Deeds

The Town Clerk shall see that every conveyance to the Town of any interest in land and any plan thereof are properly recorded in the Registry of Deeds.

3.2.3.3 Town Meeting Votes

The Town Clerk shall furnish all official bodies with a copy of all Town Meeting votes affecting them.

3.2.3.4 Reports to Town Meeting

Whenever any report of any official body or any minority report thereof is presented to a Town Meeting, the Town Clerk shall cause the report to be entered in full upon the regular record of the meeting.

3.2.3.5 Certification of Elections

As soon after election or appointment as practical the Town Clerk shall issue a written notice stating the office to which each person has been elected or appointed to serve. This written notice shall reference the requirement that they are required to take an oath of office.

3.2.3.6 Annual Report

The Town Clerk shall cause to be permanently bound one or more copies of each Annual Town Report, which shall be kept in the Town Hall.

3.3 Appointed Boards, Committees and Commissions**3.3.1 General****3.3.1.1 Recording Secretary**

If resources permit, the Town Manager may appoint Recording Secretaries, as needed, to the various boards, committees and commissions. A Recording Secretary shall not be a member of the board, committee or commission.

3.3.1.2 Election of Officers

Each board, committee or commission shall meet at the call of the Chairman no earlier than June 1 and no later than July 31 of each year and shall then elect its Chairman and Vice Chairman for the new fiscal year.

3.3.1.3 Residency Required

Any member of any board, committee or commission, who shall cease to be an inhabitant of the Town, shall immediately cease to be a member of the board, committee or commission.

3.3.1.4 Removal for Absence

If any member of any board, committee or commission is absent from three (3) or more successive meetings of the board, committee or commission, the other members of said board, committee or commission may by an affirmative vote of its majority request the appointing authority to remove such absenting member from his membership, and the appointing authority may thereafter so remove such member and shall notify him by mail of such removal.

3.3.1.5 Term of Office

The term of office of each member of boards, committees and commissions shall commence on July 1 in the year of appointment, and shall expire on June 30 in the third following calendar year, except the terms of the members of the Reading Housing Authority are for five (5) years.

3.3.2 Finance Committee**3.3.2.1 Duties**

The Finance Committee shall consider all matters of business included within the Articles of any warrant which involve the expenditure, appropriation and raising or borrowing of money.

3.3.2.2 Recommendation to Town Meeting

The Finance Committee shall make a written recommendation on all Articles that it has considered, and the Town Clerk shall make said written recommendations available to each Town Meeting Member at least seven (7) days prior to the first business session of the Annual Town Meeting, seven (7) days prior to the second Monday in November and four (4) days prior to any Special Town Meeting. The said recommendations should be those of a majority of the entire Committee but recommendations may also be made by a minority of said Committee. The Committee's report shall also state the total amount of appropriations recommended by it on the entire warrant.

3.3.2.3 Investigation

The Finance Committee, or its duly authorized agents, shall have authority at any time, and upon the petition of one hundred (100) inhabitants of the Town or a vote of Town Meeting, to investigate at once the books, accounts, records and management of any official body, and to employ such expert and other assistance as it may deem advisable for that purpose; and the books, records and accounts of any department and office of the Town shall be open to the inspection of the Committee and any person employed by it for that purpose. The Committee shall have no power to incur any expenses payable by the Town without authority for such expenses having first been obtained from the Moderator, and such expenses shall be paid from the Finance Committee Reserve Fund.

The Finance Committee shall make a report on every investigation setting forth its findings and recommendations, and shall transmit such report(s) to Town Meeting.

3.3.2.4 Cannot Hold another Office

Any member of the Finance Committee, who shall be appointed or elected to any official body, shall forthwith upon his qualification in such office, cease to be a member of the Finance Committee. This provision shall not apply to the appointment of a Finance Committee member to serve as a member of any ad hoc board, commission or committee in the Town of Reading or to any board, commission or committee upon which a member of the Finance Committee shall serve in an ex officio capacity.

3.3.3 Bylaw Committee

The Bylaw Committee shall report to Town Meeting on all proposed changes to the bylaw which are included on the warrant for Town Meeting. Such report shall be prepared in writing and included in the Finance Committee report as specified in Section 3.3.2.2 of this bylaw. The Bylaw Committee may request proposals for bylaw amendments from official bodies and inhabitants. The Bylaw Committee may submit Articles to amend the bylaw on the Warrant for Town Meeting action.

3.3.4 Council on Aging

At least two (2) of its ten (10) members shall be over sixty-five (65) years of age.

3.3.5 Audit Committee**3.3.5.1 Membership**

There shall be an Audit Committee consisting of seven (7) members. Members appointed by each appointing authority shall have terms that expire in different years. No member of the Audit Committee shall be a compensated Town employee. Notwithstanding the provisions of Section 3.3.2.4 of this bylaw to the contrary, a Finance Committee member

may be a member of the Audit Committee. Two (2) members shall be appointed by the Board of Selectmen, two (2) members shall be appointed by the School Committee, one (1) member shall be appointed by the Reading Municipal Light Board, and two (2) members shall be appointed by the Finance Committee.

3.3.5.2 Selection of Audit Firm

The Audit Committee shall determine the firm or firms of independent auditor(s) that is to audit and report on the financial statements issued by the Town, including the Reading Municipal Light Department. The Audit Committee shall review the audit plan with the independent auditor(s) and, upon completion of the audit, meet with the independent auditor(s) to discuss the results of the audit and the annual financial reports. The Audit Committee shall transmit a copy of the completed annual audit and report to the Board of Selectmen, the Finance Committee, the School Committee and the Reading Municipal Light Board by the end of the calendar year within which the Fiscal Year covered by the audit occurs.

ARTICLE 4 PERSONNEL

4.1 Personnel

4.1.1 Purpose and Authorization

The purpose of the Personnel bylaw is to establish fair and equitable personnel policies and to establish a system of personnel administration based on merit principles to ensure the uniform, fair and efficient application of personnel policies. This bylaw is adopted pursuant to the authority granted by Article LXXXIX of the Constitution of the Commonwealth and M.G.L. Chapter 41, Sections 108A and 108C.

4.1.2 Application

All Town personnel shall be subject to the provisions of this Section 4.1 except for elected officers and except for employees of the School Department and Municipal Light Department.

4.1.3 Administrative

The Board of Selectmen shall be responsible for the establishment and maintenance of a personnel system based on merit principles, the classification and reclassification of positions, an annual compensation plan, and the development and promulgation of personnel policies pursuant to Section 4.1.5 of this bylaw.

4.1.4 Personnel System

A personnel system shall be established by promulgation of policies pursuant to Section 4.1.5. The Town Manager shall administer the personnel system. No employee may be appointed to a position that is not included in the classification plan. The personnel system shall make use of current concepts of personnel management and shall include but not be limited to the following elements:

4.1.4.1 Administration

The maintenance of personnel records, the implementation of effective recruitment and selection processes, the maintenance of the classification and compensation plans, the monitoring of the application of personnel policies and periodic review and evaluation of the personnel system.

4.1.4.2 Classification Plan

A position classification plan for all employees subject to this bylaw based on similarity of duties performed and the responsibilities assigned, so that the same qualifications may be reasonably required for, and the same schedule of pay may be equitably applied to, all positions in the same class.

4.1.4.3 Compensation Plan

A compensation plan for all positions subject to this bylaw consisting of:

- A schedule of pay grades including minimum, maximum and intermediate rates for each grade; and
- An official list indicating the assignment of each position to specific pay grades.

4.1.4.4 Recruitment and Selection Policy

A recruitment, employment, promotion and transfer policy to ensure that reasonable effort is made to attract qualified persons and that selection criteria are job related.

4.1.4.5 Personnel Records

A centralized recordkeeping system maintaining essential personnel records.

4.1.4.6 Personnel Policies

The policies establishing the rights and benefits to which personnel employed by the Town are entitled and the obligations of said employees to the Town.

4.1.5 Adoption and Amendment of Personnel Policies

The personnel policies defining the rights, benefits and obligations of employees subject to this bylaw shall be adopted or amended as follows:

4.1.5.1 Preparation of Policies

Any member of the Board of Selectmen, the Town Manager, or any three (3) employees may propose a new policy or a policy amendment for the Board of Selectmen's consideration. The Board of Selectmen need not consider any proposal that has already been considered in the preceding twelve (12) months. Any person proposing a new policy or policy amendment shall provide the substance of the proposal and the reason therefor to the Board in writing.

The Board of Selectmen shall hold a public hearing on any proposed policy or policy amendment(s). Any proposed policy or policy amendment(s) shall be posted at least five (5) days prior to the public hearing in prominent work locations, and copies of all proposals shall be provided to representatives of each employee collective bargaining unit.

4.1.5.2 Public Hearing

At the public hearing the proponent(s) shall present the proposed policy or policy amendment(s), the purpose of the proposal, and the implication of any proposed change. Any person may attend the public hearing, speak and present information. Within twenty (20) days after such public hearing, the Board of Selectmen shall consider the proposed policy or policy amendment(s) and may vote to adopt the policy or policy amendment(s), with or without modifications, to reject the policy or policy amendment(s) or indicate that further study is necessary.

4.1.5.3 Computation of Time

In computing time (days) under this bylaw, only days when the Town Hall is open for business shall be counted.

4.2 Physical Qualifications for all Compensated Town Employees (including School Department and Municipal Light Department)**4.2.1 Establishment of Job Requirements and Testing**

Subject to any other provisions or requirements of federal or state law, executive order or regulation, every official body having the authority to employ may establish the essential functions for all employment positions, and may establish job-related employment tests or other selection criteria for the positions in question; provided that the job-related employment tests or other selection criteria do not screen out, or have the effect of screening out handicapped persons or any class of handicapped persons, unless alternative job-related tests or criteria that do not screen out or have the effect of screening out as many handicapped persons are not available.

4.2.2 Requirement of Medical Examination

Every person hereafter offered employment by the Town, excluding

- elected officials, and
- occasional or substitute employees

after conditionally being offered employment subject to the results of a medical examination, shall undergo a medical examination conducted prior to the employee's entrance on duty. The purpose of the medical examination is to determine if said employee can perform the essential functions of the job. If deemed unfit to perform the duties of the position for which application has been made the appointing authority shall withdraw the offer of employment.

4.2.3 Town Pays for Medical Exam

The cost of all examinations under this bylaw shall be paid in full by the town department which has made the conditional offer of employment.

4.2.4 Designation of Approved Physician

The regularly appointed School Physician is approved for examination of School Department employees. The Town Manager shall designate the physician for all other employees.

4.2.5 Confidentiality of Records

All information obtained in accordance with this bylaw regarding the medical condition or history of an employee or conditional employee shall be collected and maintained on separate forms as confidential medical records, except that:

- supervisors and managers may be informed regarding restrictions on the work or duties of handicapped persons and any necessary accommodations;
- first aid and safety personnel may be informed, where appropriate, if the condition might require emergency treatment; and
- government officials investigating compliance with the provisions of applicable federal laws shall be provided relevant information upon request.

4.2.6 Applies upon Change of Employment

The provisions of this bylaw shall apply to all employees of the Town who seek a change of employment with the Town.

4.2.7 Aggrieved Employee/Right of Appeal

In the event any employee or conditional employee is aggrieved by any action taken pursuant to this bylaw, an appeal may be made in writing as follows:

- to the Board of Selectmen if the employee or conditional employee is a municipal government employee or Library employee, or
- to the School Committee if the employee or conditional employee is an employee of the School Department, or
- to the Reading Municipal Light Board if the employee or conditional employee is an employee of the Reading Municipal Light Department.

Said appeal must be made within ten (10) days of the action complained of; and, after notice to all parties affected there will be an opportunity for a hearing which will afford all necessary due process rights to the parties in question, the Board of Selectmen or, School Committee, or the Reading Municipal Light Board shall within thirty (30) days of the completion of a hearing determine whether the bylaw was violated, or if the action taken was otherwise improper and shall provide a prompt and equitable resolution of the complaint.

In the event of such an appeal, the aggrieved party shall authorize the disclosure of information obtained regarding their medical condition or history to representatives of the Board of Selectmen, the School Department or the Reading Municipal Light Department, as applicable.

4.2.8 Authorizing or Requiring

Nothing contained herein shall be construed as authorizing or requiring the employment of an individual who cannot perform the essential functions of the job in question even with reasonable accommodations, or who is not otherwise qualified for the job in question.

ARTICLE 5 CONDUCT OF TOWN BUSINESS

5.1 Annual Town Reports and Records

5.1.1 Annual Town Report

All official bodies, and Town Counsel shall file an Annual Town Report of their activities with the Board of Selectmen on or before the fifth Monday preceding the first business session of the Annual Town Meeting of each year, and the Board of Selectmen shall cause such reports to be included in the Annual Town Report.

5.1.2 Printing the Annual Town Report

The Board of Selectmen shall have the Annual Town Report completed not later than the first Monday preceding the first business session of the Annual Town Meeting of each year.

5.1.3 Requirement to Keep Records

Each official body shall maintain detailed records of its proceedings and such records, excepting as otherwise provided by law, shall be public records.

5.1.4 Board of Assessors' Records Part of the Annual Report

There shall be included as an integral part of the Annual Town Report the Board of Assessors' records of abatements on real estate taxes, other than statutory exemptions as defined by M.G.L. Chapter 59, Section 5, such records to include the name and address of the taxpayer, the location of the property, and the total sum of money abated.

5.1.5 Roll Call Town Meeting Votes

The vote of each Town Meeting Member on all roll call votes recorded at a Town Meeting shall be included in the Annual Town Report.

5.2 Resolution of Legal Matters

Town Counsel, or any other Special Counsel employed by the Board of Selectmen pursuant to Section 6-4 of the Charter, shall not make any final settlement of any litigation to which the Town is a party unless he has been duly authorized by a vote of the Board of Selectmen, or by a vote of Town Meeting. The Board of Selectmen shall have the authority to compromise and settle all suits involving the payment by the Town of Twenty-Five Thousand (\$25,000) Dollars or less, and they shall further have the authority to compromise or settle all claims, actions, proceedings and suits arising under Worker's Compensation or related disability insurance statutes involving payment by the Town of Fifty Thousand (\$50,000) Dollars or less. Town Meeting must approve the compromise or settlement of all suits involving payment by the Town of more than Twenty-Five Thousand (\$25,000) Dollars, except claims, actions, proceedings and suits arising under Worker's Compensation or related disability insurance statutes in which case Town Meeting must approve or compromise the settlement of all such matters involving the payment by the Town of more than Fifty Thousand (\$50,000) Dollars.

5.3 Rules and Regulations

5.3.1 Procedure for Adoption

All Town Agencies or Town Officers, as defined in Section 8-7 of the Charter, shall comply with the following procedures in the adoption or amendment of such rules or regulations which they are empowered to adopt or amend pursuant to this bylaw, the Charter, the General Laws of the Commonwealth or any other enabling act.

The provisions of this bylaw shall be in addition to the filing requirements of Section 8-8 of the Charter. The provisions of this bylaw shall not apply to the adoption, modification or amendment of any rules or regulations for which a procedure is otherwise provided by general or special law or to rules and regulations which relate primarily to the internal operations or procedure of a Town Agency or Town Officer.

5.3.2 Requirement for Public Hearing

No Town Agency or Town Officer shall adopt or amend any rule or regulation until after a public hearing, notice of the time and place of which, and of the subject matter sufficient for identification, shall be posted in a conspicuous place in the Town Hall for a period of not less than seven (7) days before the date of such hearing and published in a newspaper of general circulation in the Town not less than seven (7) days before the day of the hearing if such newspaper exists.

Copies of the legal notice of any proposed rule or regulation or amendment thereto by any Town Agency or Town Officer shall be supplied to the Board of Selectmen, the Finance Committee, the Bylaw Committee and Town Counsel not less than seven (7) days prior to said hearing, and the Board of Selectmen, Finance Committee, Bylaw Committee, or Town Counsel shall be supplied with the full text of the proposed rule or regulation or amendment thereto upon request. The full text of any proposed rule or regulation or amendment thereto shall be available to the public at the office of the Town Clerk and at said hearing. Prior to the adoption or amendment of any such rule or regulation, Town Counsel may render an opinion to the Town Agency or Town Officer proposing such adoption or amendment.

5.3.3 Filing of Approved Rules and Regulations

Within ten (10) days of adoption a copy of every rule or regulation adopted or amended shall be posted in a conspicuous place in the Town Hall for at least thirty (30) days, and a copy of all such rules or regulations so adopted or amended shall be filed in the Office of the Town Clerk. As provided in Section 8-8 of the Charter, any such rules or regulations or amendments to rules or regulations shall not become effective until ten (10) days following the date they are so filed.

5.3.4 Inhabitant Proposal of a Rule or Regulation

Any inhabitant of the Town may propose a rule or regulation or amendment to the same by notifying the appropriate Town Agency or Town Officer in writing with a copy of the proposed rule or regulation or amendment. Within ninety (90) days of the receipt thereof, the Town Agency or Town Officer shall afford such inhabitant the opportunity to appear before said Town Agency or Town Officer to present the rationale for the proposed rule or regulation or amendment. If the Town Agency or Town Officer determines to adopt such rule, regulation or amendment, it shall thereafter follow the provisions of this bylaw.

5.3.5 Notification to Inhabitant of Non-Adoption

If the Town Agency or Town Officer determines that it will not adopt such rule, regulation or amendment, it shall give written notification of the same to the proposing inhabitant within thirty (30) days of the meeting on the proposal.

ARTICLE 6 FINANCIAL PROCEDURES

6.1 Capital Improvements Program

6.1.1 Submission of Project Requests

All official bodies shall submit their proposed capital outlays to the Town Manager as required by the Town Manager.

6.1.2 Presentation to Town Meeting

After submission of the Capital Improvements Program to the Board of Selectmen and the Finance Committee, the Town Manager shall present to each Annual Town Meeting such Program to be adopted by Town Meeting with or without amendment. The Capital Improvements Program may be amended by action of any regular or special Town Meeting.

6.1.3 Adoption of Capital Improvements Program is not Authorization to Spend Funds

Adoption of the Capital Improvements Program shall not constitute authorization of the expenditure of any funds. No funds may be appropriated for any capital item unless such item is included in the Capital Improvements Program, and is scheduled for funding in the Fiscal Year in which the appropriation is to be made.

6.2 Disposal of Surplus Property

6.2.1 Certain Disposition to be Approved by Town Meeting

Whenever an item or collection of items of tangible personal property with an estimated net value of up to Five Thousand (\$5,000) Dollars within the control of an official body, but excluding the Municipal Light Board, shall be determined by that official body to be surplus, obsolete, salvage, or beyond repair, it may be disposed of by sale, trade or otherwise, by the Town Manager with the approval of the Finance Committee. Notwithstanding the foregoing, an item or collection of items of tangible personal property, with an estimated net value of less than Five Thousand (\$5,000) Dollars no longer useful to the Town but having resale or salvage value, may be disposed of by the Town Manager with the approval of the Finance Committee, and without any further approval by Town Meeting at less than fair market value to a charitable organization which has received a tax exemption from the United States by reason of its charitable nature.

6.2.2 Non-Applicability to Library Materials

This bylaw shall not apply to the disposition of old books, magazines, periodicals, recordings and printed materials in the custody of the Board of Library Trustees. Such disposition may be made at the discretion of the Board of Library Trustees.

6.3 Delinquent Taxes; Denial, Revocation and Suspension of Permits and Licenses

6.3.1 Notice of Delinquencies to Departments

Pursuant to M.G.L. Chapter 40, Section 57 the Town Treasurer-Collector shall annually furnish to each department, board, commission or division of the Town, that issues licenses or permits including renewals and transfers, a list of any person, corporation or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve (12) month period, and that such party has not filed in good faith a pending application for abatement of such tax or a pending petition before the Appellate Tax Board.

6.3.2 Denial, Revocation, Suspension for Delinquencies

Each department, board, commission or division of the Town, that issues licenses or permits including renewals and transfers may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished by the Town Treasurer-Collector; provided, however, that written notice is given to the party and the Town Treasurer-Collector as required by Section 6.3.6 hereof, and the party is given a hearing to be held not earlier than fourteen (14) days after said notice. Said list shall be prima facie evidence

for denial, revocation or suspension of said license or permit to any party. The Town Treasurer-Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the department, board, commission or division of the Town, that issues licenses or permits including renewals and transfers with respect to such license denial revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension.

Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the department, board, commission or division of the Town, that issues licenses or permits including renewals and transfers receives a certificate issued by the Town Treasurer-Collector that the party is in good standing with respect to the payment of all local taxes, fees, assessments, betterments or other municipal charges as of the date of issuance of said certificate.

6.3.3 Payment Agreement

Any party shall be given the opportunity to enter into a payment agreement, thereby allowing the department, board, commission or division of the Town, that issues licenses or permits including renewals and transfers to issue a certificate indicating that validity of the license or permit shall be conditioned upon the satisfactory compliance with the payment agreement. Failure to comply with the payment agreement shall be grounds for the suspension or revocation of a license or permit; provided, however, that the holder shall be given notice and a hearing as required by Section 6.3.6 hereof prior to the suspension or revocation.

6.3.4 Waiver

The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the party, its officers or shareholders, if any, or members of his immediate family, as defined by M.G.L. Chapter 268A, Section 1 in the business or activity conducted in or on said property.

6.3.5 Non-Applicability

This section shall not apply to the following licenses and permits (as referenced to M.G.L.): open burning, Chapter 48, Section 13; bicycle permits, Chapter 85, Section 11A; sales of articles for charitable purposes, Chapter 101, Section 33; children work permits, Chapter 149, Section 69; clubs, associations dispensing food or beverage licenses, Chapter 140, Section 21E; dog licenses, Chapter 140, Section 137; fishing, hunting, trapping license, Chapter 131, Section 12; marriage licenses, Chapter 207, Section 28, and theatrical events, public exhibition permits, Chapter 140, Section 181.

6.3.6 Written Notice

Written notice as required by this bylaw shall be hand-delivered and a signed receipt obtained therefore, or sent by registered or certified mail, return receipt requested, postage prepaid.

6.4 Surcharge on Details

Pursuant to M.G.L. Chapter 44, Section 53C, a fee of ten (10%) percent of the cost of the services authorized by said section for work performed by one of the Town's employees on an off-duty work detail or for special detail work shall, except in the case of a city, town, district or the Commonwealth of Massachusetts, be added to the cost of said services and paid by the persons requesting such private detail.

6.5 Grant Fund Applications

Written notification of all grant fund applications to be submitted by any official body to any government agency, qualified tax-exempt entity or private organization shall be promptly forwarded to the Town Accountant, Town Manager and the Board of Selectmen.

ARTICLE 7 REGULATIONS ON THE USE OF PRIVATE LAND

7.1 Wetlands Protection

7.1.1 Purpose

The purpose of this bylaw is to protect the floodplains and wetlands of the Town by controlling activities deemed to have a significant effect upon wetland values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion control, storm damage prevention, water pollution prevention, fisheries, wildlife habitat and wildlife.

7.1.2 Determination of Applicability

Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may request a determination from the Conservation Commission in writing. The Conservation Commission shall issue its determination, in writing, within twenty-one (21) days from the receipt of such request.

7.1.3 Notice to the Conservation Commission

No person shall remove, fill, dredge or alter the following resource areas: bank; fresh water wetland; marsh; meadow; bog; swamp; creek; river; stream; pond; lake; lands under water bodies; land within one hundred feet of any of the preceding resource areas; land subject to flooding; and riverfront area, other than in the course of maintaining, repairing or replacing, but not substantially changing or enlarging an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, sanitary sewer, storm drainage, public roadway, telephone, telegraph and other telecommunication services, without filing written notice of his intention to so remove, fill, dredge or alter and without receiving and complying with an Order of Conditions, and provided all appeal periods have elapsed. Said resource areas shall be protected whether or not they border surface waters. Such notice shall be sent by certified mail or hand delivered to the Reading Conservation Commission, including such plans as may be necessary to describe such proposed activity and its effect on the environment.

7.1.4 Concurrent Notice and Hearings to Meet State Law Requirements

The same Notice of Intent, plans and specifications required to be filed by an applicant under M.G.L. Chapter 131, Section 40 will be accepted as fulfilling the applicable requirements of this bylaw. The Conservation Commission may adopt and impose project review changes in accordance with regulations adopted pursuant hereto. Town projects are exempt from review fees under Section 7.1.14.

All hearings and public meetings held under M.G.L. Chapter 131, Section 40 when it applies; and under this bylaw shall be held simultaneously, whenever possible. Definitions, time frames and procedures, not inconsistent with this bylaw or the regulations adopted pursuant hereto, set forth in said Section 40, and in the regulations promulgated by the Department of Environmental Protection, as the same may from time to time be amended, are hereby made a part of this bylaw.

Notwithstanding any definitions set forth in said Section 40, and in the regulations promulgated by the Department of Environmental Protection, the following definitions are hereby also made a part of this bylaw and shall control whenever there is a conflict between the different definitions:

7.1.4.1 Activity

Shall also include the installation of any utility conduit system including but not limited to drainage, sewage and water systems; and changing of the chemical, thermal or biological characteristics of land or water.

7.1.4.2 Alter

Shall mean to impact by any activity, any area subject to protection under this bylaw.

7.1.4.3 Bordering Vegetated Wetland

Shall include any wetland that touches any creek, river, stream, whether permanent or intermittent, pond or lake, or the bank of any of the preceding resource areas.

7.1.4.4 Buffer Zone

Shall include land extending one hundred (100) feet horizontally outward from the boundary of any area subject to protection under this bylaw, except land subject to flooding or riverfront area.

7.1.4.5 Ditch

Shall mean any man-made trench or furrow that has not altered any creek, river, stream, pond or lake, or the bank of any of the preceding resource areas, or wetland.

7.1.4.6 Floodplain

Shall be synonymous with land subject to flooding.

7.1.4.7 Groundwater

Shall be synonymous with groundwater supply.

7.1.4.8 Stream

Shall mean a body of flowing water, whether permanent or intermittent, moving along a hydraulic gradient.

7.1.4.9 Rare Species

Shall also include those plant species listed as rare, threatened or endangered by the Massachusetts Division of Fisheries and Wildlife Natural Heritage Program.

7.1.4.10 Riverfront Area

Shall be as defined in 310 CMR 10.00, as amended.

7.1.4.11 Wetlands

Shall mean lands where the water table is at or near the surface or the land is covered by shallow water. This shall include swamps, wet meadows, bogs and marshes, creeks, rivers, streams, ponds and lakes. Wetlands have one or more of the following three attributes:

- At least periodically the land supports predominantly hydrophytic vegetation;
- The substrate is predominately undrained hydric soil;
- The substrate is saturated with water or covered by shallow water at some time during the growing season of each year.

7.1.5 Definition of "Person"

The term "person", as used in this bylaw, shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth whenever subject to Town bylaw, or any political subdivision of the Commonwealth whenever subject to Town bylaw, administrative agency, public or quasi-public corporation or body, or any other legal entity or its legal representative, agents or assigns.

7.1.6 Authority to Enter upon Lands

The Conservation Commission, its agent, officers and employees, may enter upon the land upon which the proposed work is to be done in response to a request for a determination, or for the purpose of carrying out its duties under this bylaw, and may make or cause to be made such examination or survey as deemed necessary.

7.1.7 Authority to Deny Application

The Conservation Commission is empowered to deny permission for any activity that is likely to remove, dredge, fill or alter subject lands within the Town if, in its judgment, such denial is necessary for the protection of public or private water supply, groundwater, flood control, erosion

control, storm damage prevention, or the prevention of pollution or the protection of fisheries or wildlife.

7.1.8 Authority to Impose Conditions

The Conservation Commission may, as an alternative to a denial, impose such conditions as it deems necessary to contribute to the protection and preservation of the subject lands in accordance with the purposes of this bylaw.

7.1.9 Authority to Require Posting of Bonds

The Conservation Commission may require the posting of a bond with surety, running to the municipality, and sufficient as to form and surety in the opinion of the Commission's Counsel, to secure faithful and satisfactory performance of work required by any Order of Conditions, in such sum and upon such conditions as the Conservation Commission may require. Other evidence of financial responsibility which is satisfactory to the Conservation Commission may be accepted in lieu of bonding.

Notwithstanding the above, the amount of such bond shall not exceed the estimated cost of the work required or the restoration of affected lands and properties if the work is not performed as required, whichever is greater. Forfeiture of any such bond or other security shall be recoverable at the suit of the municipality in Superior Court. Such bond or other security shall be released upon issuance of a Certificate of Compliance.

7.1.10 Emergency Projects

The notice required by Section 7.1.3 of this Bylaw shall not apply to emergency projects necessary for the protection of the health and safety of the citizens of Reading, and to be performed or ordered to be performed by an administrative agency of the Commonwealth or by the Town. Emergency projects shall mean any projects certified to be an emergency by the Conservation Commission. In no case shall any removal, filling, dredging or altering authorized by such certification extend beyond the time necessary to abate the emergency.

7.1.11 Mosquito Control Exempt

The provisions of this bylaw shall not apply to any mosquito control work done under the provisions of of M.G.L. Chapter 40, Section 5 Clause (36) or M.G.L. Chapter 252.

7.1.12 Agricultural Work Exempt

The provisions of this bylaw shall not apply to work performed for normal maintenance or improvement of lands in agricultural use as of the effective date of this bylaw.

7.1.13 Appeal of Decisions

A decision of the Conservation Commission shall be reviewable in the Massachusetts Superior Court in accordance with M.G.L. Chapter 249, Section 4.

7.1.14 Authority to Charge Fees to Hire Consultants

The Conservation Commission is authorized to require an applicant to pay a fee for the reasonable costs and expenses borne by the Conservation Commission for specific expert engineering, and other consultant services deemed necessary by the Conservation Commission to come to a final decision on an application for Determination of Applicability, Notice of Intent or other application or filing made pursuant to this bylaw. This fee is called the consultant fee and shall be in the maximum amount of Twenty-Five Thousand (\$25,000) Dollars. The specific consultant services may include but are not limited to, resource area and wetlands survey and delineation, analysis of resource area and wetlands values, including wildlife habitat evaluations, hydrogeologic and drainage analysis, and environmental or land use law.

The Conservation Commission may require the payment of the consultant fee at any point in its deliberations prior to a final decision. If a revolving fund for the consultant expense fee is authorized by Town Meeting, or by any general or special law, the consultant fee shall be put into such revolving fund. The Commission may draw upon that fund for specific consultant services approved by the Commission at one of its public meetings. Any unused portion of the consultant

fee shall be returned to the applicant unless the Conservation Commission decides at a public meeting that other action is necessary. Any applicant aggrieved by the imposition of, or size of, the consultant fee, or any act related thereto, may appeal according to the provisions of Massachusetts General Laws.

The minimum qualifications of any consultant selected by the Conservation Commission shall consist either of an education degree in or related to the field at issue or three or more years of practice in the field at issue or a related field.

7.1.15 Authority to Issue Enforcement Orders

The Conservation Commission may issue enforcement orders directing compliance with the provisions of this bylaw and the regulations adopted pursuant thereto, and may undertake any other enforcement action authorized by law. Any person who violates the provisions of this bylaw or the regulations adopted pursuant thereto may be ordered to restore the property to its original condition and take other actions deemed necessary to remedy such violations.

7.1.16 Violations

No person shall remove, fill, dredge or alter any area subject to protection under the provisions of this bylaw without the required authorization, or cause, suffer or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with an enforcement order issued pursuant to the provisions of this bylaw. Each day such violation continues shall constitute a separate offense except that any person who fails to remove unauthorized fill or otherwise fails to restore illegally altered land to its original condition after giving written notification of said violation to the Conservation Commission shall not be subject to additional penalties under this bylaw, unless said person thereafter fails to comply with an enforcement order or order of conditions.

7.1.17 Authority to Promulgate Rules

After due notice and public hearing, the Conservation Commission may promulgate rules and regulations to effectuate the administration of this bylaw. However, failure to promulgate rules and regulations as herein provided, or a legal declaration by a court of law of the invalidity of any section or provision of this bylaw, shall not invalidate any other section or provision thereof.

7.1.18 Enforcement

In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and M.G.L. Chapter 40, Section 21D.

7.2 Demolition of Structures of Potential Historical Significance

7.2.1 Purpose

The purpose of this bylaw is to preserve and protect historically significant structures within the Town which reflect or constitute distinctive features of the architectural, cultural, economic, political or social history of the Town and to encourage owners of such structures to seek out persons who might be willing to purchase, preserve, rehabilitate or restore such structures rather than demolish them. To achieve these purposes, the Reading Historical Commission is empowered to advise the Building Inspector with respect to the issuance of permits for demolition of such historically significant structures. The issuance of demolition permits for such historically significant structures is regulated as provided in this bylaw.

7.2.2 Definitions

7.2.2.1 Business Day

A day which is not a legal municipal holiday, Saturday or Sunday.

7.2.2.2 Demolition

Any act of pulling down, destroying, removing or razing a structure or commencing the work of total or substantial destruction with the intent of completing the same.

7.2.2.3 Emergency Demolition

In the event of an imminent danger to the safety of the public, nothing in this bylaw shall restrict the Building Inspector from immediately ordering the demolition of any structure or any part thereof.

7.2.2.4 Potentially Significant Structure

Any structure or a portion of a structure that:

- Is listed on, or is within an area listed on, the National Register of Historic Places, the Massachusetts Historical Register of Historic Places, or is the subject of a pending application for listing on said registers or;
- Is included in the Historical and Architectural Inventory, as of September 1, 1995, maintained by the Reading Historical Commission or structures for which complete historical and architectural survey forms may be pending as of that date or;
- Has been determined by an affirmative vote of at least four (4) members of the Commission to be historically or architecturally significant in terms of period, style, method of building construction or association with a significant architect, builder or resident either by itself or as part of a group of buildings, provided that the owner of such a structure and the Building Inspector have been notified in hand or by certified mail at least thirty (30) days prior to such vote.

7.2.2.5 Preferably Preserved Historic Structure

Any historically significant structure which is determined by the Commission to be in the public interest to preserve because of the important contribution made by such structure to the historical and/or cultural resources of the Town.

7.2.2.6 Commission

The Reading Historical Commission.

7.2.2.7 Structure

Materials assembled at a fixed location to give support or shelter, such as a building, framework, wall, tent, reviewing stand, platform or the like.

7.2.3 Procedures**7.2.3.1 Inventory of Potentially Significant Structures**

The Commission will provide a listing of Potentially Significant Structures to the Building Inspector. This list is subject to the following criteria and periodic modification:

Criteria for Potentially Significant Structures:

- The structure is determined to be importantly associated with one or more historic persons or events, or
- Is determined to be associated with the broad architectural, cultural, economic or social history of the Town or Commonwealth, or
- The structure is defined in Definition 7.2.2.4 as a Potentially Significant Structure.

7.2.3.2 Referral by Building Inspector

Upon the receipt of a completed application form for a Demolition Permit for a Potentially Significant Structure, the Building Inspector shall immediately forward a copy thereof to the Commission for review.

7.2.3.3 Initial Determination

Within fourteen (14) days of the date upon which the Commission receives the demolition application, the Commission shall make an Initial Determination that is:

- Positive if the structure is historically inventoried, or in the process of being inventoried or determined by the Commission to have historic significance, or

- Negative if the Initial Determination is negative, the property is no longer subject to this bylaw, and the Building Inspector may act on the Demolition Permit.

7.2.3.4 Hearing

If the Initial Determination is positive, the Commission shall hold a public hearing on the application within twenty-one (21) days of the Initial Determination and shall give public notice of the time, place and purpose of the hearing in a local newspaper at least fourteen (14) days before said hearing; at least seven (7) days before said hearing, the Commission shall mail a copy of said notice to the applicant, to the owner(s) of all property deemed by the Commission to be affected thereby as they appear on the most recent local tax list, and to such other persons as the Commission shall deem entitled to notice.

The Commission may require that the applicant maintain on the property, which is the subject of a Demolition Permit application, a notice in a form designated by the Commission, visible from the nearest public way, of any hearing on the subject matter of such application. The applicant shall be responsible for costs associated with the mailing, posting or publishing of the required notices.

No less than five (5) business days before the public hearing, the applicant shall submit three (3) copies of a demolition plan which shall include the following:

- An assessor's map or plot plan showing the location of the structure to be demolished on its property with reference to the neighboring properties;
- Photographs of all facade elevations;
- A description of the structure to be demolished;
- The reasons for the proposed demolition and data supporting said reason;
- A brief description of the proposed reuse of the property on which the structure to be demolished is located.

7.2.3.5 Early Release

If, after the close of such hearing, the Commission determines that the demolition of the Potentially Significant Structure would not be detrimental to the historical or architectural heritage or resources of the Town, the Commission shall so notify the Building Inspector within fifteen (15) business days of the conclusion of the hearing.

Upon receipt of such notification, or after the expiration of the fifteen (15) days, the Building Inspector may act on the Demolition Permit if he has not received notification from the Commission.

7.2.3.6 Preferably Preserved Historic Structure

If the Commission determines that the demolition of the Potentially Significant Structure would be detrimental to the historical or architectural heritage or resources of the Town, such structure shall be considered a Preferably Preserved Historic Structure. The Commission shall so advise the applicant and the Building Inspector, and a Demolition Permit may be delayed up to six (6) months after the conclusion of the hearing during which time alternatives to demolition shall be considered. The Commission shall offer the owner information about options other than demolition, such as resources in the preservation field, the Massachusetts Historical Commission, the Town Planner, and other interested parties that might provide assistance in preservation, funding and/or adaptive reuse.

7.2.3.7 Responsibility of Owner and Applicant

The owner of record shall be responsible for participating in the investigation of options to demolition by actively seeking alternatives with the Commission and any interested parties, by providing any necessary information, by allowing reasonable access to the property, and by securing the premises.

7.2.4 Release of Delay

Notwithstanding the preceding section of this bylaw, the Building Inspector may issue a Demolition Permit for a Preferably Preserved Historic Structure at any time after receipt of written advice from the Commission to the effect that either:

- The Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building; or
- The Commission is satisfied that during the delay period the owner has made continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate and restore the subject structure, and that such efforts have been unsuccessful.
- As a condition of releasing the delay enforcement, the Commission may require the applicant to submit measured drawings or other documentation for the Town's historic records.

7.2.5 Emergency Demolition

Nothing in this Section shall be construed to derogate in any way from the authority of the Building Inspector derived from M.G.L. Chapter 143. However, before acting pursuant to that Chapter, the Building Inspector shall make every reasonable effort to inform the Chairperson of the Commission of his intentions to cause demolition before he initiates same.

7.2.6 Enforcement and Remedies

In the event a structure governed by this bylaw is demolished in violation of this bylaw, then no building permit shall be issued for the premises for a period of two (2) years after the date of such demolition. As used herein "premises" includes the parcel of land upon which the demolished structure was located and all adjoining parcels of land under common ownership or control.

7.3 Local Historic District

The Town of Reading hereby establishes a Local Historic District, to be administered by a Historic District Commission as provided for under M.G.L. Chapter 40C, Section 1, et seq., as amended.

7.3.1 Purpose

The purpose of this bylaw is to promote the economic, educational, cultural and general welfare of the inhabitants of the Town of Reading through:

- the preservation and protection of the distinctive characteristics and architecture of Buildings and places significant in the history of the Town of Reading;
- maintaining and improving of the settings of these Buildings and places; and
- the encouragement of building design compatible with the Buildings existing in the area, so as to maintain the historic character of residences or commercial enterprises which distinguish the town as a desirable community.

7.3.2 Definitions

The terms defined in this section shall be capitalized throughout this bylaw. Where a defined term has not been capitalized, it is intended that the meaning of the term be the same as the meaning ascribed to it in this section unless another meaning is clearly intended by its context. As used in this bylaw, the following terms shall have the following meaning:

7.3.2.1 Alteration, to Alter

The act or the fact of rebuilding, reconstruction, restoration, replication, removal, demolition, and other similar activities.

7.3.2.2 Building

A combination of materials forming a shelter for persons, animals or property.

7.3.2.3 Certificate

A Certificate of Appropriateness, a Certificate of Non-Applicability, or a Certificate of Hardship as set forth in this bylaw.

7.3.2.4 Commission

The Historic District Commission as established in this bylaw.

7.3.2.5 Construction, to Construct

The act or the fact of building, erecting, installing, enlarging, moving and other similar activities.

7.3.2.6 Display Area

The total surface area of a sign, including all lettering, wording, designs, symbols, background and frame, but not including any support Structure or bracing incidental to the sign. The Display Area of an individual letter sign or irregular shaped sign shall be the area of the smallest rectangle into which the letters or shape will fit. Where sign faces are placed back to back and face in opposite directions, the Display Area shall be defined as the area of one face of the sign.

7.3.2.7 District

The Local Historic District as established in this bylaw consisting of one or more District areas.

7.3.2.8 Exterior Architectural Feature

Such portion of the exterior of a Building or structure as is open to view from a Public Way or ways, including but not limited to architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures.

7.3.2.9 Person Aggrieved

The applicant; an owner of adjoining property; an owner of property within the same District area; an owner of property within one hundred (100) feet of said District area; and any legal entity in which one of its purposes is the preservation of Historic Places, Structures, Buildings or Districts.

7.3.2.10 Public Way

This term shall include Public Ways, public streets, public parks, and public bodies of water. The term "Public Way", however, shall not include a footpath, cart path or any easement or right of way that does not constitute a Public Way or public street.

7.3.2.11 Structure

A combination of materials other than a Building.

7.3.2.12 Temporary Structure or Building

A Building not to be in existence for a period of more than two years. A Structure not to be in existence for a period of more than one year. The Commission may further limit the time periods set forth herein as it deems appropriate.

7.3.3 District

The District shall consist of one or more District Areas as listed in Appendix B1.

7.3.4 Commission Composition and Appointments**7.3.4.1 Size and Terms**

The District shall be overseen by a Commission consisting of five (5) members, to be appointed by the Board of Selectmen, one member initially to be appointed for one year, two for two years, and two for three years, and each successive appointment to be made for three years.

7.3.4.2 Commission Make-up

The Commission shall include, if possible, one member from one or more nominees solicited from the Reading Antiquarian Society, one member from one or more nominees solicited from the chapter of the American Institute of Architects covering Reading; one member from one or more nominees from the Board of Realtors covering Reading; one or two property owners from the District area; one member nominated by the Reading Historical Commission. If, within thirty (30) days after submission of a written request for nominees to any of the organizations herein named, insufficient nominations have been made, the Board of Selectmen may proceed to make appointments as it desires.

7.3.4.3 Alternates

The Board of Selectmen may appoint up to four alternate members to the Commission. In the case of the absence, inability to act or unwillingness to act because of self-interest on the part of a regular member of the Commission, his or her place shall be taken by an alternate member designated by the Chairman. Said alternate members shall initially be appointed for terms of one or two years, and for three year terms thereafter.

7.3.4.4 Continuation of Terms

Each member and alternate member shall continue to serve in office after the expiration date of his or her term until a successor is duly appointed.

7.3.4.5 Meetings

Meetings of the Commission shall be held at the call of the Chairman, at the request of two members and in such other manner as the Commission shall determine in its Rules and Regulations.

7.3.4.6 Quorum

Three members of the Commission shall constitute a quorum.

7.3.5 Commission Powers and Duties**7.3.5.1 Exercise of Powers**

The Commission shall exercise its powers in administering and regulating the Construction and Alteration of any Structures or Buildings within the District as set forth under the procedures and criteria established in this bylaw. In exercising its powers and duties hereunder, the Commission shall pay due regard to the distinctive characteristics of each Building, Structure, and District area.

7.3.5.2 Adoption of Rules and Regulations

The Commission may adopt, and from time to time amend, reasonable Rules and Regulations not inconsistent with the provisions of this bylaw or M.G.L. Chapter 40C, setting forth such forms and procedures as it deems desirable and necessary for the regulation of its affairs and conduct of its business, including requirements for the contents and forms of applications for Certificates, fees, hearing procedures and other matters. The Commission shall file a copy of any rules and regulations with the office of the Town Clerk.

7.3.5.3 Adoption of Guidelines

The Commission, after a public hearing duly posted and advertised at least fourteen (14) days in advance in a conspicuous place in Town Hall and in a newspaper of general circulation in Reading, shall adopt and from time to time amend guidelines which set forth the designs and descriptions for certain exterior architectural features which are, in general, suitable for the issuance of a Certificate. No such design guidelines shall limit the right of an applicant for a Certificate to present other designs to the Commission for approval.

7.3.5.4 Election of Officers

The Commission shall at the beginning of each fiscal year hold an organizational meeting and elect a Chairman, a Vice Chairman and Secretary, and file notice of such election with the office of the Town Clerk.

7.3.5.5 Record Keeping

The Commission shall follow Town operating procedures for keeping its resolutions, transactions, decisions and determinations.

7.3.5.6 Community Education

The Commission shall undertake educational efforts to explain to the public and property owners the merits and functions of a District, to the extent that time and appropriations allow.

7.3.6 Alterations and Construction Prohibited Without a Certificate**7.3.6.1 Certificate Required for Improvements**

Except as this bylaw provides, no Building or Structure or part thereof within a District shall be Constructed or Altered in any way that affects the Exterior Architectural Features as visible from a Public Way, unless the Commission shall first have issued a Certificate with respect to such Construction or Alteration.

7.3.6.2 No Alteration or Demolition without Certificate

No building permit for Construction of a Building or Structure or for Alteration of an Exterior Architectural Feature within a District and no demolition permit for removal of a Building or Structure within a District shall be issued by the Town or any department thereof until a Certificate as required under this bylaw has been issued by the Commission.

7.3.7 Procedures for Review of Applications**7.3.7.1 Application to Obtain a Certificate**

Any person who desires to obtain a Certificate from the Commission shall file with the Commission an application for a Certificate of Appropriateness, or Non-Applicability or of Hardship, as the case may be. The application shall be accompanied by such plans, elevations, specifications, material and other information, including in the case of demolition or removal, a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the Commission to enable it to make a determination on the application. The Commission shall determine whether said application involves any Exterior Architectural Features which are within the jurisdiction of the Commission.

7.3.7.2 Time to Determine if Certificate Required

The Commission shall determine within fourteen (14) days of receiving an application for a Certificate whether said application involves any Exterior Architectural Features which are within the jurisdiction of the Commission.

7.3.7.3 Certificate of Non-applicability

If the Commission determines that an application for a Certificate does not involve any Exterior Architectural Features, or involves an Exterior Architectural Feature that is not subject to review by the Commission under the provisions of this bylaw, the Commission shall forthwith issue a Certificate of Non-Applicability.

7.3.7.4 Public Hearing on Application

If the Commission determines that such application involves any Exterior Architectural Feature subject to review under this bylaw, it shall hold a public hearing on the application, except as may otherwise be provided in the bylaw. The Commission shall

hold such a public hearing within forty-five (45) days from the date of receiving the application. At least fourteen (14) days before said hearing, notice shall be given by posting in a conspicuous place in Town Hall and in a newspaper of general circulation in Reading. Concurrently, a copy of said public notice shall be mailed to the applicant; to the owners of all properties within three hundred 300 feet, and of other properties deemed by the Commission to be materially affected thereby, all as they appear on the most recent applicable tax list; to the Community Planning and Development Commission; to the Historical Commission; to any person filing a written request for notice of hearings, such request to be renewed yearly in December; and to such other persons as the Commission shall deem entitled to notice. The applicant is responsible for the costs of the mailing and advertising.

7.3.7.5 Waiver of Hearing

A public hearing on an application for a Certificate may be waived if the Commission determines that the Exterior Architectural Feature involved, or its category, is so insubstantial in its effect on the District that it may be reviewed by the Commission without a public hearing. If the Commission dispenses with a public hearing on application for a Certificate notice of such application shall be given to the owners of all property within three hundred 300 feet and of other property deemed by the Commission to be materially affected thereby as above provided, and ten (10) days shall elapse after the mailing of such notice before the Commission may act upon such application and after considering any responses.

7.3.7.6 Time to Act on Application for Certificate

Within sixty (60) days after the filing of an application for a Certificate, or within such further time as the applicant may allow in writing, the Commission shall issue a Certificate or disapproval. In the case of a disapproval of an application for a Certificate, the Commission shall set forth in writing the reasons for such disapproval. The Commission may include in its disapproval specific recommendations for changes in the applicant's proposal with respect to the appropriateness of design, arrangement, texture, material and similar features which, if made and filed with the Commission in a subsequent application would make the application acceptable to the Commission.

7.3.7.7 Conditions on Certificates

In issuing Certificates, the Commission may, as it deems appropriate, impose certain conditions and limitations, and may require architectural or plan modifications consistent with the intent and purpose of this bylaw and the Commission's Guidelines.

7.3.7.8 Issuance of Certificate of Appropriateness

If the Commission determines that the Construction or Alteration for which an application for a Certificate of Appropriateness has been filed will be appropriate for or compatible with the preservation or protection of the District, the Commission shall issue a Certificate of Appropriateness.

7.3.7.9 Certificate of Hardship

If the Construction or Alteration for which an application for a Certificate of Appropriateness has been filed shall be determined to be inappropriate and therefore disapproved, or in the event of an application for a Certificate of Hardship, the Commission shall determine whether, owing to the conditions especially affecting the Building or Structure involved, but not affecting the District generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and whether such application may be approved without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this bylaw. If the Commission determines that owing to such conditions failure to approve an application will involve substantial hardship to the applicant and approval thereof may be made without such substantial detriment or derogation, the Commission shall issue a Certificate of Hardship.

7.3.7.10 Filing of Decisions

The Commission shall send a copy of its disapprovals and Certificates, including any conditions or limitations, to the applicant and shall file a copy of its disapprovals and Certificates, including any conditions or limitations, with the office of the Town Clerk and the Building Inspector. The date of issuance of a Certificate or disapproval shall be the date of the filing of a copy of such Certificate or disapproval with the office of the Town Clerk.

7.3.7.11 Failure to Act

If the Commission should fail to issue a Certificate or a disapproval within sixty (60) days of the filing of the application for a Certificate, or within such further time as the applicant may allow in writing, the Commission shall thereupon issue a Certificate of Hardship due to failure to act.

7.3.7.12 Signing of Certificates

Each Certificate issued by the Commission shall be dated and signed by its Chairman or such other person designated by the Commission to sign such Certificates on its behalf.

7.3.7.13 Appeal for Review of Decisions

A Person Aggrieved by a determination of the Commission may, within twenty (20) days of the issuance of a Certificate or disapproval, file a written request with the Commission for a review by a person or persons of competence and experience in such matters, acting as arbitrator and designated by the Metropolitan Area Planning Commission (MAPC). The finding of the person or persons making such review shall be filed with the Town Clerk within forty-five (45) days after the request, and shall be binding on the applicant and the Commission, unless a further appeal is sought in the Superior Court as provided in M.G.L. Chapter 40C Section 12A. The filing of such further appeal shall occur within twenty (20) days after the finding of the arbitrator has been filed with the office of the Town Clerk.

7.3.8 Criteria for Determinations**7.3.8.1 Criteria**

In deliberating on applications for Certificates, the Commission shall consider, among other things, the historic and architectural value and significance of the site, Building or Structure; the general design, proportions, detailing, mass, arrangement, texture, and material of the Exterior Architectural Features involved; and the relation of such Exterior Architectural Features to similar features of Buildings and Structure in the surrounding area.

7.3.8.2 Appropriateness of New Construction and Additions

In the case of new Construction or additions to existing Buildings or Structures, the Commission shall consider the appropriateness of the scale, shape, sitting and proportions of the Building or Structure both in relation to the land area upon which the Building or Structure is situated and in relation to Buildings and Structures in the vicinity. The Commission may in appropriate cases impose dimensional and setback requirements in addition to those required by applicable statute or bylaw.

7.3.8.3 Interior Arrangements Exempt

The Commission shall not consider interior arrangement or architectural features not subject to view from a Public Way.

7.3.8.4 Uses Exempt

The Commission shall not consider uses for the Building or Structure.

7.3.8.5 Solar Energy Encouraged

When ruling on applications for Certificates on solar energy systems as defined in M.G.L. Chapter 40A, Section 1A, the Commission shall consider the policy of the Commonwealth of Massachusetts to encourage the use of solar energy systems and to protect solar access.

7.3.9 Exclusions**7.3.9.1 Exclusions**

The Commission shall exclude from its purview the following:

- Temporary Buildings, Structures, or signs, subject, however, to conditions pertaining to the duration of existence and use, location, lighting, removal and similar matters as the Commission may reasonably specify.
- Terraces, walks, driveways, sidewalks and similar Structures, provided that any such Structure is substantially at grade level.
- Storm windows and doors, screen windows and doors, shutters, and window and wall air conditioners.
- The color of exterior paint or the color of materials used on roofs.
- Flagpoles, sculpture, mailboxes (freestanding or attached), window boxes, gutters and leaders, house numbers, and garden furniture.
- Buildings that are less than seventy (70) years old are exempt from review of Alterations and additions, unless the Alterations affect more than twenty-five (25%) percent of any façade visible from a Public Way or unless any addition visible from a Public Way increase such Buildings by more than twenty-five (25%) percent.
- The reconstruction, substantially similar in exterior design, of a Building, Structure, or Exterior Architectural Feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within two (2) years thereafter and carried forward with due diligence.

7.3.9.2 Not Subject to Review

Upon request, the Commission shall issue a Certificate of Non-Applicability with respect to Construction or Alteration in any category not subject to review by the Commission in accordance with the above provisions.

7.3.9.3 Maintenance

Nothing in this bylaw shall be construed to prevent the ordinary maintenance, repair or replacement of any Exterior Architectural Feature within a District which does not involve a change in design, material or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition, nor construed to prevent any Construction or Alteration under a permit duly issued prior to the effective date of this bylaw.

7.3.10 Categorical Approval

Additional Exclusions: Certain categories of Exterior Architectural Features may be Constructed or Altered without review by the Commission, provided such Construction or Alteration do not substantially derogate the intent and purposes of the District and of M.G.L. Chapter 40C. The Commission may, upon conducting a public hearing, exclude from its purview Exterior Architectural Features, in addition to those listed in Section 7.3.9.1, which it determines do not significantly impact the purpose of the District.

7.3.11 Enforcement**7.3.11.1 Enforcement**

In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in

accordance with the provisions of Section 1.8 of this bylaw, and M.G.L. Chapter 40, Section 21D.

7.3.11.2 Building Inspector Authorized to Enforce

The Commission may designate the Building Inspector to pursue non-criminal disposition under M.G.L. Chapter. 40, Section 21D, under the direction of the Commission.

7.3.11.3 Investigation of Complaints

The Commission, upon a written complaint of any resident of Reading, or owner of property within Reading, or upon its own initiative, shall institute any appropriate action or proceedings in the name of the Town of Reading to prevent, correct, restrain or abate a violation of this bylaw. In the case where the Commission is requested in writing to enforce this bylaw against any person allegedly in violation of same and the Commission declines to act, the Commission shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefore, within twenty-one (21) days of receipt of such request.

7.4 Regulation of Certain Motor Vehicles

7.4.1 Unregistered, Uninspected, Disassembled Motor Vehicles Prohibited

No unregistered, uninspected or disassembled motor vehicle may be kept on any property within view from any public way, private way or abutting property, unless one of the following exceptions applies and such use or exception is otherwise in compliance with the General and Zoning By-Law of the Town.

7.4.1.1 Exceptions - Farm Vehicles

The vehicle is regularly operated on the premises as a farm or other utility vehicle.

7.4.1.2 Exceptions - Dealers

The owner is licensed as a dealer of new cars, used cars or used parts under M.G.L. Chapter 140, Section 58, and is licensed to operate such a business at that location.

7.4.1.3 Exceptions - Auto Body Repair

The owner is in the business of auto body repair at that location.

7.4.1.4 Exceptions - Personal Property

The vehicle is insured personal property regularly used in show or operating competitions or displayed as a collectible. Only one such vehicle shall be allowed per property.

7.4.1.5 Exceptions - Qualifies for Inspection and Registration

The vehicle is a fully assembled operable vehicle which would qualify for inspection and registration.

7.4.2 Enforcement

7.4.2.1 Violation Notice

Any vehicle(s) maintained on property in violation of this bylaw thirty (30) days after issuance of notice of such violation from the Building Inspector or Police Department shall be in violation of this bylaw.

7.4.2.2 Non-Criminal Disposition

In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and M.G.L. Chapter 40, Section 21D.

7.5 Wells

7.5.1 Well Safety

The owner or owners of land whereon is located a well in use shall either fill the well under a permit received from the Board of Health, or provide a covering for such well capable of sustaining weight of three hundred (300) pounds. Whoever violates this section shall pay for each offense a penalty of not less than One Hundred (\$100) Dollars nor more than Five Hundred (\$500) Dollars.

7.5.2 Enforcement

In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and M.G.L. Chapter 40, Section 21D.

7.6 Licenses

7.6.1 General Provisions

Any license issued subject to this bylaw shall issue on January 1 (or thereafter) of each year and shall expire on the next succeeding December 31 and may be revoked or suspended at any time by the Board of Selectmen for any violation of this bylaw or any rules, orders or regulation from time to time adopted by the Board of Selectmen.

7.6.2 Transport

7.6.2.1 License Required

No person shall engage in the business of transporting for hire, goods, wares, furniture or rubbish as specified in Section 7.6.2.2 of this bylaw without first obtaining a license or licenses therefore as set forth below.

7.6.2.2 All Vehicles to be Licensed

The Board of Selectmen may license suitable persons to use vehicles for the transporting for hire of goods, wares, furniture or rubbish within the Town. All persons engaging in such transportation for hire within the Town shall take out such number of licenses as will equal the greatest number of such vehicles to be used at any one time by said person during the year for which the license is issued. Such license shall expire on December 31 of each year and may be revoked at the pleasure of the Selectmen.

7.6.2.3 Information to be Placed on Vehicles

Every person licensed under the provisions of this bylaw shall cause his name and the number of his license to be printed or placed in plain legible words and figures in a conspicuous place on the outside of each vehicle used in exercising said license.

7.6.3 Junk

7.6.3.1 License Required

No person shall use any building, enclosure or other structure for the storage, sale or keeping of rags, waste paper stock or other inflammable material without a license therefore from the Board of Selectmen.

7.6.3.2 Dealers in Junk, Old Metals, Second Hand Articles

The Board of Selectmen may license suitable persons, upon such terms and conditions as the Board shall determine, to be dealers in and keepers of shops for the purchase, sale or barter of junk, old metals and second-hand articles, and no person shall be such a dealer or keeper without such a license.

7.6.3.3 Junk Collectors

The Board of Selectmen may also license suitable persons as junk collectors, to collect by purchase or otherwise, junk, old metals and second-hand articles from place to place within the Town, and no person shall engage in such business without such a license.

7.6.3.4 Enforcement

In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and M.G.L. Chapter 40, Section 21D.

7.7 Retail Sales**7.7.1 Hours of Operation**

No retail, commercial operation or place of business shall be open for the transaction of retail business between the hours of 12:01 AM and 6:00 AM.

7.7.2 Exceptions

This bylaw shall not apply to the retail or commercial operation of facilities operated by innholders and/or common victualers and/or taverns where a license has been duly issued for the operation of the same which otherwise restricts or describes the hours of operation of such facilities. This bylaw shall not prevent a cinema from concluding the showing of a movie that has commenced prior to 12:01 AM.

7.7.3 Innholders

For the purposes of this bylaw, facilities operated by innholders shall include, but not be limited to: an inn, hotel, motel, lodging house and public lodging house or any other similar establishment for which a license is required under M.G.L. Chapter 140; the term facilities operated by a common victualer shall include a restaurant and any other similar establishment which provides food at retail for strangers and travelers for which a common victualer's license is required under said Chapter; and the term "tavern" shall include an establishment where alcoholic beverages may be sold with or without food in accordance with the provisions of M.G.L. Chapter 138.

7.7.4 License to Permit Operation between Midnight and 6:00 AM

If the Board of Selectmen determine that it is in the interest of public health, safety and welfare, or that public necessity or convenience would be served, the Board of Selectmen may grant, upon such terms and conditions as it deems appropriate, a license under this bylaw to permit the operation of a retail or commercial establishment between the hours of 12:01 AM and 6:00 AM or any portion thereof. However, a license shall not be issued unless the Board of Selectmen has made the following specific findings with respect to each license application:

7.7.4.1 Reasons for Night-time Operation

That the operation of the retail or commercial establishment during the night-time hours will not cause unreasonable disruption or disturbance to, or otherwise adversely affect, the customary character of any adjacent or nearby residential neighborhood;

7.7.4.2 Findings for Approval of Night-time Operation

That operation of the retail or commercial establishment during the night-time hours is reasonably necessary to serve the public health, safety and welfare; or serve a public need or provide a public convenience which outweighs any increase in any of the following impacts on the adjacent or nearby residential neighborhood (or the character thereof): noise, lighting, vibration, traffic congestion or volume of pedestrian or vehicular retail customer traffic that might create a risk to pedestrian or vehicular safety, or other adverse public safety impact.

The Board of Selectmen may adopt rules and regulations to govern the administration of the licensing process and in so doing may impose such terms and conditions upon such license as it may consider appropriate.

7.7.5 Hearing for Initial Approval

The Board of Selectmen shall give public notice of the initial request whereby a retail or commercial operation or place of business seeks to be open for the transaction of retail business between the hours of 12:01 AM and 6:00 AM or any portion thereof and shall hold a public hearing on the initial request within thirty (30) days of receipt of any such request. The Board may determine annually whether a public hearing will be required on an application to renew the annual approval of a business to be open between the hours of 12:01 AM and 6:00 AM.

7.7.6 Enforcement

In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and M.G.L. Chapter 40, Section 21D.

7.8 Outdoor Loudspeakers and Public Address Systems

No commercial establishment shall install or operate any outdoor loudspeaker or public address system on its premises except for the sole purpose of direct communication with a customer to assist that customer or to conduct a specific business transaction at the commercial establishment, as for example at a drive-up window of a fast food or banking establishment, or at self-service gasoline pumps. Any such loudspeaker or public address system shall be operated only during the regular business hours of the establishment. The owner of the establishment shall at all times ensure that the volume of sound produced outdoors by such loudspeaker or public address system shall be such as not to be audible from any portion of a public way or residential property.

ARTICLE 8 PUBLIC ORDER

8.1 Streets, Highways and Public Property

8.1.1 Obstructions Prohibited

No person shall place or cause to be placed any obstruction in any street, public place or private way in the Town without the permission of the Board of Selectmen or its designee. The provisions of this section shall not apply to news racks as defined in Section 8.7.2.3 of this bylaw.

8.1.2 Approval Required for Parade

No person shall form or conduct any parade in any street, sidewalk or public way within the Town or form or conduct for the purpose of display or demonstration any procession or assembly of people, except a military or funeral parade or procession within such street, sidewalk or way, without first obtaining a written permit from the Board of Selectmen or its designee; and no person shall take part in any such parade, procession or assembly which is not authorized by such a permit. The application for such a permit shall identify

- the person or organization seeking to conduct the parade and the parade chairman who will be responsible for its conduct,
- the proposed date, starting and termination time and route of the parade,
- the approximate number of persons, animals and vehicles and the type of animals and vehicles to be in the parade,
- the location of any assembly areas and the time units will begin to assemble at such areas, and
- the intervals of space to be maintained between the parade's units.

The applicant shall provide such further information as the Board of Selectmen or its designee shall find reasonably necessary for a fair determination as to whether a permit should be issued. The Board of Selectmen or its designee shall issue a permit unless it finds that the conduct of the parade is reasonably likely to

- cause injury to persons or property, provoke disorderly conduct or create a disturbance,
- interfere unduly with proper fire and police protection for, and ambulance service to, areas contiguous to the proposed line of march or other areas in the Town, or
- substantially interrupt the safe and orderly movement of other traffic contiguous to the parade route.

The Board of Selectmen or its designee shall promptly notify the applicant of its decision, including the terms of the permit issued or the reasons for any denial or revocation of such a permit. Immediately upon the issuance of a parade permit, the Board of Selectmen or its designee shall send a copy thereof to the Police Chief, Fire Chief and Director of Public Works.

8.1.3 Silly String Prohibition

No person, during any parade, festival, concert, sporting event or other public event, shall sell or distribute or use on any street, sidewalk or public way of the Town or upon any property owned by the Town, a product known as "Silly String" or any similar product sold or used for amusement that ejects a soft rubbery substance; any aerosol can that ejects paint, shaving cream, foam or makes loud noises or an explosive device.

8.1.4 Removal of Vehicles - Snow Removal

The Director of Public Works, for the purpose of removing or plowing snow or removing ice from any way within the limits of the Town and from the Town parking areas and from any other land owned or used by the Town, may remove or cause to be removed to some public garage or other convenient place any vehicle parked upon such highway, parking area or land and interfering with such work, and the storage charges and other cost of such removal shall be borne and paid by the owner of the vehicle.

8.1.5 Prohibiting Placing Snow on Public Property

No person shall move or remove snow or ice from private lands upon any public street, sidewalk or common land of the Town in such a manner as to obstruct or impede the free passage of vehicular or pedestrian traffic upon the street, sidewalk or common land of the Town, unless he has first obtained a permit therefore issued by the Director of Public Works.

8.1.6 Prohibiting Putting Water on Public Way

No person shall, during the period from November 15 to April 15 inclusive, discharge or pipe, or cause to be discharged or piped, any ground water onto a public way or sidewalk within the limits of the Town unless he has first obtained a permit therefore issued by the Director of Public Works.

8.1.7 Driveway Permits Required

No person shall make or construct or reconstruct or modify a driveway or other means of access or exit for motor vehicles onto a public way or across a sidewalk, unless he has first obtained a permit therefore issued by the Director of Public Works.

8.1.8 Permit for Rubbish and other Material Hauling

No person, except the duly authorized agents and employees of the Town, shall carry in or through any of the public streets or ways of this Town any rubbish, garbage, offal, contents of cesspools or other offensive substances, unless the person so carrying the same shall have secured a permit therefore from the Board of Health or its designee, which permit may be issued upon such terms and conditions as the Board or its designee may determine.

8.1.9 Permit for the Use of Public Property

Any person who intends to erect, repair or take down any building abutting on any way, sidewalk, parking lot, or other Town property which the Town is obliged to keep in repair and desires to make use of any portion of said way, sidewalk, parking lot, or other Town property for the purpose of placing thereon building materials or rubbish, shall give notice thereof to the Director of Public Works, and thereupon, the Director of Public Works may grant a permit to occupy such portion of said way to be used for such purpose as in its judgment the necessity of the case demands and the security of the public allows. Such permit shall in no case be in force longer than ninety (90) days (subject to renewal), and shall be issued on such conditions as the Director of Public Works may require.

8.1.10 Enforcement

In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and M.G.L. Chapter 40, Section 21D.

8.2 Scenic Roads**8.2.1 Designation**

Upon recommendation of the Community Planning and Development Commission, Conservation Commission or Historical Commission, Town Meeting may vote to designate any road, other than a numbered route or state highway, as a scenic road.

8.2.2 Limitations on Work on a Public Way

After a road has been designated as a scenic road, any repair, maintenance, reconstruction or paving work done with respect thereto shall not involve or include the cutting or removal of trees or the tearing down or destruction of stone walls or portions thereof, except with the prior written consent of the Community Planning and Development Commission after a public hearing duly advertised twice in a newspaper of general circulation in the area as to time, date, place and purpose, the last publication to occur at least seven (7) days prior to such hearing.

8.2.3 Regulations

The Community Planning and Development Commission shall establish and adopt regulations for exercising its responsibilities under this bylaw, taking into consideration sound planning principles and preservation of aesthetic and natural resources of the Town.

8.3 Emergency Vehicle Access and Fire Lanes**8.3.1 Purpose**

It is the purpose of this bylaw to regulate the parking of motor vehicles so that such vehicles will not impede access to properties by emergency vehicles or obstruct fire lanes.

8.3.2 Definition

As used in this section, "fire lane" shall mean a fire lane designated by the Board of Selectmen upon the recommendation of the Chief of the Reading Fire Department. Fire lanes shall be a distance of twelve (12) feet from the curbing of a sidewalk; however, where no sidewalk with curbing exists, the distance shall be twenty (20) feet from the front wall of the nearest building. These distances may be modified by the Board of Selectmen to any distance that the Chief of the Fire Department determines is necessary for public safety.

8.3.3 Blocking Access Prohibited

No person shall park a motor vehicle or otherwise obstruct or block, the entrance to any roadway, highway, street, private way or driveway so as to prevent access by emergency vehicles to any single or multi-family dwelling, business, commercial establishment, shopping center, school, sports or recreational facility, other place of public assembly or public or private parking area.

Vehicles making a delivery to a building abutting a driveway may obstruct or block the entrance to the driveway for the reasonable length of time necessary to actually make such delivery, if the nature of the delivery or use in the building prohibits or unreasonably restricts the use of any other access to such building.

8.3.4 Blocking Fire Lane Prohibited

No person shall park a motor vehicle or otherwise obstruct or block a fire lane, provided that such fire lane has been identified pursuant to Section 8.3.6.

8.3.5 Exemptions

Emergency vehicles may park in fire lanes while responding to calls for emergency service. Vehicles making a delivery to a building abutting a fire lane may park in the fire lane for the reasonable length of time necessary to actually make such delivery, if the nature of the delivery or business in the building prohibits or unreasonably restricts the use of any other access to such building.

8.3.6 Signs for Fire Lane

The Board of Selectmen shall place and maintain signs relating to fire lanes where applicable to public buildings, public ways and public parking areas. The owner(s) of record of all other properties or private ways containing fire lanes shall place and maintain signs so identifying the fire lanes. All such signs shall be no less than twelve (12) inches by eighteen (18) inches and shall read: "FIRE LANE - NO PARKING - TOW ZONE".

8.3.7 Enforcement

Any motor vehicle found violating the provisions of this section may be issued a parking violation by the Reading Police Department and/or towed under the direction of the Reading Police Department, and all towing and storage charges shall be as authorized by M.G.L. Chapter 266, Section 120D.

In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and M.G.L. Chapter 40, Section 21D.

8.4 Designated Parking Spaces and Curb Ramps for Disabled Veterans or Handicapped Persons

8.4.1 Parking for Disabled Veteran or Handicapped Persons Required

Any person or body having lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other place where the public has a right of access as invitees or licensees shall reserve the number of parking spaces required by Section 8.4.2 in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by M.G.L. Chapter 90, Section 2 or for any vehicle transporting a handicapped person and displaying the special identification plate authorized by M.G.L. Chapter 90, Section 2 or for any vehicle bearing the official identification of a handicapped person issued by any other state or any Canadian Province.

8.4.2 Parking Spaces Required

If the number of parking spaces in any area designated in Section 8.4.1 is:

- more than fifteen (15) but not more than twenty-five (25), one (1) parking space shall be provided;
- more than twenty-five (25) but not more than forty (40), five (5%) percent of such spaces but not less than two (2) shall be provided;
- more than forty (40) but not more than one hundred (100), four (4%) percent of such spaces but not less than three (3) shall be provided;
- more than one hundred (100) but not more than two hundred (200), three (3%) percent of such spaces but not less than four (4) shall be provided;
- more than two hundred (200) but not more than five hundred (500), two (2%) percent of such spaces but not less than six (6) shall be provided;
- more than five hundred (500) but not more than one thousand (1,000), one and one-half (1 1/2%) percent of such spaces but not less than ten (10) shall be provided;
- more than one thousand (1,000) but not more than two thousand (2,000), one (1%) percent of such spaces but not less than fifteen (15) shall be provided;
- more than two thousand (2,000) but less than five thousand (5,000), three-fourths of one (3/4%) percent of such spaces but not less than twenty (20) shall be provided; and
- more than five thousand (5,000), one-half of one (1/2%) percent of such spaces but not less than thirty (30) shall be provided.

8.4.3 Identification of Spaces

Parking spaces designated as reserved under the provisions of Section 8.4.1 shall be:

- Identified by the use of above grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking: Special Plate Required. Unauthorized Vehicles May Be Removed At Owner's Expense";
- Located as near as possible to a building entrance or walkway and adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and
- Twelve (12) feet wide or consist of two (2) eight (8) foot wide areas with four (4) feet of cross hatch between them.

8.4.4 Signs Placed and Maintained

The Board of Selectmen shall place and maintain signs relating to reserved spaces for use by disabled veterans and handicapped persons where applicable to public buildings, public ways and public parking areas. The owner(s) of record of all other properties or private ways shall place and maintain signs so identifying the reserved parking spaces in accordance with Section 8.4.3.

8.4.5 Parking Only with Distinguishing Disabled Veterans or Handicapped Person's Identification Permitted

No person shall park, or leave unattended, a motor vehicle that does not bear the distinguishing disabled veterans or handicapped license plates or other identifications referenced in Section 8.4 of this bylaw in a space designated for use by disabled veterans or handicapped persons, or otherwise obstruct or block curb ramps designated for use by handicapped persons as a means of egress to a street or public way.

8.4.6 Enforcement

Any motor vehicle found violating the provisions of this Section 8.4 may be issued a parking violation by the Reading Police Department and/or towed under the direction of the Reading Police Department, and all towing and storage charges shall be as authorized by M.G.L Chapter 266, Section 120D.

In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and M.G.L. Chapter 40, Section 21D.

8.5 Public Works**8.5.1 Street Numbering****8.5.1.1 Establishment of Numbering System**

The Board of Selectmen shall establish a system for the numbering of any building on or near the line of public or private ways and shall prescribe by suitable rules and regulations the method in which such numbering shall be done.

8.5.1.2 Street Numbers Required to be Affixed to Buildings

No person shall neglect or refuse to affix to any building owned by him the street number designated for such building by the Director of Public Works or by the Building Inspector acting in accordance with the numbering system and the Rules and Regulations established by the Board of Selectmen, nor shall any person affix to or suffer to remain on any building owned or occupied by him, a street number other than the one designated for such building by the Director of Public Works or by the Building Inspector. Owners shall be allowed ten (10) days after written notice to comply with the provisions of this section.

8.5.2 Dumping of Waste Regulated

No person shall deposit in any area any liquid or solid waste materials, including garbage and rubbish, except in a dumping ground or area designated for such deposits by the Board of Health.

No person shall make any such deposit in a dumping ground or area so designated unless he has first obtained a permit from the Board of Selectmen, and unless he complies with the rules and regulations for such dumping ground or area as the Board of Selectmen may from time to time establish. The Board of Selectmen shall from time to time establish the fees for the issuance of permits.

8.5.3 Public Water Service**8.5.3.1 Tampering Prohibited**

No person shall turn on or off the water at any water main, service pipe, hydrant, water post, drinking fountain or other fixture or appurtenance connected with the Reading water system or make any opening into or connection therewith without authority from the Director of Public Works, except that hydrants may be used by Firefighters or Police Officers in the discharge of their duty.

8.5.3.2 Entry Required

No person shall refuse entry to any building owned by him after receipt of written request from the Board of Selectmen or its designee, to any authorized representatives or employees of the Department of Public Works bearing proper credentials and identification for the purposes of inspection, observation, measurement, sampling, installation and testing of water meters used for the measurement of water supplied by the Department of Public Works. If such entry cannot be obtained during normal working hours then, after adequate notice and reasonable attempts to schedule said entry, the owner may be billed an amount established by the Board of Selectmen for additional costs incurred by the Town.

8.5.4 Water Supply Protection**8.5.4.1 Purpose**

The purpose of this section of the bylaw is to protect, preserve and maintain the public health safety and welfare whenever there is in force a state of water supply emergency.

8.5.4.2 Water Emergency

Whenever a state of water supply emergency has been declared by the Massachusetts Department of Environmental Protection pursuant to M.G.L. Chapter 21G or Chapter 111, or any other enabling authority or by the Governor, no user of water supplied by the Town shall violate any provision, condition, requirement or restriction included in a plan adopted by the Board of Selectmen and approved by the Department of Environmental Protection which plan has as its purpose the abatement of a water supply emergency, provided that notice of any such provision, condition, requirement or restriction has previously been given to such users by publication in a newspaper of general circulation within the Town, or by such other notice as is reasonably calculated to reach and inform all such users.

8.5.5 Creating a Hazard Prohibited

No person shall, except as authorized or required by law, remove, alter the position of, deface or disturb in any manner, any barrier, sign, manhole cover or grating placed or installed for the purpose of eliminating or mitigating a public safety hazard or potential hazard in or on any street, sidewalk or public place within the Town.

8.5.6 Violation and Enforcement

In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and M.G.L. Chapter 40, Section 21D. Further, any enforcing person, or his designee or agent, may enter onto any property and in any building thereon for the purpose of inspecting or investigating any violation of this bylaw or enforcing the same, except that no dwelling unit shall be entered without the consent of the resident.

8.6 Anti-Litter**8.6.1 Definitions**

For the purpose of this bylaw, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

8.6.1.1 Private Receptacle

A litter storage and collection receptacle as required or authorized in the Town.

8.6.1.2 Garbage

Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

8.6.1.3 Litter

Garbage, refuse and rubbish as defined herein and all other waste materials which, if thrown or deposited as prohibited in this article, tends to create a danger to public health, safety, and welfare.

8.6.1.4 Park

A park, reservation, playground, recreation center, Conservation land, Town Forest, school ground or any other public area in the Town, owned or used by the Town and devoted to active or passive recreation.

8.6.1.5 Person

An individual, firm, partnership, association, corporation, company or organization of any kind.

8.6.1.6 Private Premises

Any dwelling, house, building, or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant and shall include any yard, grounds, walks, driveway, porch, steps, vestibule or mailbox appurtenant to any such dwelling, house, building, or other structure.

8.6.1.7 Public Place

Any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public parks, squares, spaces, grounds, and buildings.

8.6.1.8 Refuse

All putrescible and nonputrescible solid wastes (except bodily wastes) including garbage, rubbish, ashes, street cleanings, dead animals, and solid and industrial wastes.

8.6.1.9 Rubbish

Nonputrescible solid waste consisting of both combustible and non-combustible wastes such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials.

8.6.1.10 Vehicle

Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

8.6.2 Littering Streets and Other Public Places**8.6.2.1 Littering Prohibited**

No person shall throw or deposit litter in or upon any park or other public place or upon any private premises within the Town except in public receptacles, in authorized private receptacles for collection.

8.6.2.2 Proper Use of Receptacles, Where Provided

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent the litter from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. Where public receptacles are not provided, all such litter shall be carried away from the park or other public place by the person responsible for its presence and disposed of elsewhere as provided herein.

8.6.2.3 Sweeping Litter onto Public Property Prohibited

No person shall sweep into or deposit in any gutter, street, or other public place within the Town the accumulation of litter from any building or lot or any litter from any public or private sidewalk or driveway.

8.6.2.4 Prevention of Blowing Litter

All loose material which normally fits into containers but which are excess as a result of special circumstances such as holidays, shall be bundled and tied securely to prevent them from blowing or scattering and shall be placed by the containers.

8.6.3 Throwing Litter from Vehicles

No person, being the driver or a passenger in a vehicle, shall throw or deposit litter upon the street or public place within the Town, or upon any private property.

8.6.4 Vehicles Transporting Loose Materials

No person shall drive or move a vehicle within the Town nor shall the owner of any vehicle require or permit the same to be driven or moved within the Town, unless such vehicle is constructed or loaded so as to prevent any of its load from dropping, sifting, leaking, blowing, or otherwise escaping therefrom and being deposited upon any street or other public or private place. Vehicles loaded with any material which may be blown about by wind shall be suitably covered to prevent the contents from being blown upon the streets or highways. This section shall not prohibit the dropping of sand or salt or similar product for the purpose of securing traction or the sprinkling of water or other substance on such land in cleaning or maintaining the same.

8.6.5 Distribution of Handbills and Leaflets

It shall be the duty of every person distributing handbills, leaflets, flyers or any other advertising and informational material to place or deposit such material in a manner so as to secure or prevent such material from littering public or private property.

8.6.6 Litter in Bodies of Water

No person shall throw or deposit litter in any fountain, pond, stream, river or any other body of water in the Town.

8.6.7 Placing Commercial and Non-Commercial Handbills on Vehicles

No person shall throw or deposit any commercial or non-commercial handbill in or upon any vehicle. Provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a non-commercial handbill to any occupant of a vehicle who is willing to accept it.

8.6.8 Duty to Maintain Private Property Free of Litter

The owner or person in control of any private property shall at all times maintain his premises free of litter so that the same does not constitute a danger to the public health, safety, and welfare. This section shall not prohibit the storage of litter in authorized private receptacles for collection.

8.6.9 Deposit of Litter on Open or Vacant Property

No person shall throw or deposit litter on any open or vacant private property within the Town, whether owned by such person or not, so that the same shall create danger to the public health, safety, and welfare.

8.6.10 Clearing of Litter From Open or Vacant Private Property

The Board of Health is hereby authorized and empowered to direct the owner of any private property within the Town, or the agent of such owner, to properly dispose of litter located on such owner's property which is dangerous to the public health, safety, and welfare. Such request shall be by registered or certified mail, addressed to the owner at their last known address. Alternatively, the Board of Health may proceed to abate a nuisance as defined and provided by M.G.L. Chapter 111, as amended.

8.6.11 Enforcement

In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and M.G.L. Chapter 40, Section 21D.

8.7 News Racks

8.7.1 Findings and Purpose

Whereas, the proliferation of scattered news racks in the Town of Reading often block crosswalks and handicap ramps, unreasonably impedes access for the use and maintenance of poles, posts, traffic signs or signals, hydrants and mailboxes, unreasonably obstructs the flow of pedestrian and vehicular traffic, unreasonably obstructs access to bus stops, taxi cab stands, valet parking areas, loading zones and fire lanes, impede emergency snow removal operations, creates undue nuisances and hazards to passersby in bad weather and storms and otherwise unreasonably restricts public access and creates undue perils and public safety hazards; and

Whereas, news racks often create a visual blight due to their varying shapes and colors and disarray, and are often not properly maintained and are allowed to deteriorate, and fall into states of disrepair in which news racks collect trash and other debris, become covered with graffiti, are tipped over, moved, cause damage to curbs, sidewalks, streets, poles; traffic signals and signs, and or remain empty and abandoned; and

Whereas, reasonable standards for the appearance, placement and maintenance of news racks in the public way will allow for unrestricted access to crosswalks and handicapped ramps and further provide for pedestrian and driving safety and convenience by alleviating unreasonable interference with the flow of pedestrian and vehicular traffic, allow for reasonable access and use of poles, posts, traffic signs and signals, hydrants and mailboxes, bus stops, taxi stands, valet parking areas, loading zones and fire lanes, provide for the safety of the public and protection of property during times of snow emergencies and other bad weather conditions, and reduce the potential for creating perils in the way of passersby, safety hazards and visual blight that often are associated with unregulated news racks.

8.7.2 Definitions

When used in this bylaw, unless the context otherwise requires, the following terms shall have these meanings:

8.7.2.1 Certificate of Compliance

Shall mean the Certificate of Compliance issued by the Board of Selectmen or its designee to the Certificate Holder in accordance with the provisions of this bylaw.

8.7.2.2 Certificate Holder

Shall mean the holder of a Certificate of Compliance issued by the Board of Selectmen or its designee in accordance with the provisions of this bylaw. A certificate holder is responsible for the installation and maintenance of news racks encompassed by any Certificate of Compliance issued pursuant to the provisions of this bylaw and for compliance with all provisions contained herein.

8.7.2.3 News Rack

Shall mean any type of self-service device for the vending or free distribution of newspapers or periodicals.

8.7.2.4 Operator

Shall mean any natural person or other legal entity including, but not limited to, corporations, partnerships, joint ventures and the like who either own, operate or are otherwise in control of a news rack.

8.7.2.5 Board of Selectmen

Shall mean the Board of Selectmen of the Town of Reading or its designee.

8.7.3 Certificate of Compliance

8.7.3.1 Requirement

No person shall place, affix, erect, constitute or maintain a news rack in or on any part of a public way without first obtaining a Certificate of Compliance from the Board of Selectmen in accordance with the provisions of this bylaw.

The Certificate of Compliance must be renewed annually by application to the Board of Selectmen.

8.7.3.2 Issuing Authority

The Board of Selectmen shall be the issuing authority and coordinator of the application process and administration of this bylaw.

8.7.3.3 Approving Authority

The approving authority shall be the Board of Selectmen. The Board of Selectmen or its designee shall review and approve for compliance with Section 8.7.2, entitled Certificate of Compliance, Section 8.7.5, entitled Standards, and Section 8.7.9, entitled Installation and Maintenance.

8.7.3.4 Application Process

Applicants must complete an application on a form provided by the Board of Selectmen.

8.7.3.5 Application

The application shall describe in sufficient detail, the number, location and type of news racks for which the Certificate of Compliance is sought and shall contain the following information:

- The name, address and telephone number of the applicant who is the owner/operator or other person who is the principal responsible person in charge of the news rack(s);
- The name, address and telephone number of a natural person (if different from the applicant) whom the Town may notify and/or contact at any time concerning the applicant's news racks. This person would be responsible for receiving complaints and notices of violations when a certificate of compliance is issued and for providing information relating to the application during the application process; and
- The number of news racks and a written description specifying the proposed approximate location of each; and
- A certificate of insurance naming the Town of Reading as an additional insured in an amount sufficient to indemnify the Town and hold it harmless from any and all claims or judgments for personal and bodily injury, including death, or property damage and from costs and expenses to which the Town may be subjected or which it may suffer or incur by reason of the design, placement, installation, operation or maintenance of any of the applicant's news racks. Reasonable evidence of self-insurance coverage may be substituted by the applicant for the certificate of insurance. Insurance under this section shall run continuously with the presence of the applicant's news rack in Town of Reading public ways and any termination or lapse of such insurance shall be a violation of this bylaw, subject to appropriate remedy under section 8.7.10 of this bylaw; and
- A certification from the applicant stating that the proposed location for all of the news racks listed in the application are in compliance with the provisions of this bylaw.

8.7.3.6 Issuance of a Certificate of Compliance

Upon a finding by the Board of Selectmen that the applicant is in compliance with the provisions of this bylaw, the Board of Selectmen shall issue a Certificate of Compliance for installation by the applicant. The Board of Selectmen shall issue a partial Certificate of Compliance upon a finding that some of the proposed news rack locations are in compliance with the provisions of this bylaw. Issuance of a Certificate of Compliance or a partial Certificate of Compliance shall designate the applicant to be the Certificate Holder. The Board of Selectmen shall issue a Certificate of Compliance within ten (10) days of the Board of Selectmen's receipt of the completed application. Proposed locations shall be approved on a first come, first serve basis by the Board of Selectmen. No preference

shall be given to applicants who might have had news racks in a particular location prior to the effective date of this ordinance.

8.7.3.7 Denial of Certificate of Compliance

If an application for a news rack location is denied, the Board of Selectmen shall notify the applicant within ten (10) days of the Board of Selectmen's receipt of the completed application. The Board of Selectmen shall state, the specific reasons for denial. The applicant may reapply for a substitute alternative location without having to pay an additional application fee. An applicant who has been denied a Certificate of Compliance pursuant to this bylaw may appeal within thirty (30) days of such denial by requesting in writing to the Board of Selectmen an appearance before the Board of Selectmen to review said denial. The appeal shall be heard within twenty (20) days of receipt of the appeal. The decision on the appeal shall be sent to the applicant within five (5) days after the hearing. Any such appeal shall be subject to the Massachusetts Administrative Procedures Act, G.L. c. 30A.

The Board of Selectmen reserves the right to order by written notice to the Certificate Holder that news racks be removed from an approved location, either temporarily or permanently, in the interests of public safety.

8.7.4 Fees

There shall be a Certificate of Compliance fee in the amount of Two Hundred (\$200) Dollars paid to the Town. This fee shall be due upon initial application and upon each annual renewal.

8.7.4.1 Additional Certificate of Compliance

If at any time after the Board of Selectmen has issued a Certificate of Compliance a Certificate Holder proposes to install additional news racks, then the provisions of 8.7.3 are to be repeated. Additional Certificate of Compliance fees shall be in accordance with Section 8.7.4, except that the Certificate of Compliance fee is waived if previously paid.

In addition to the Certificate of Compliance fee, an annual fee of Ten (\$10) Dollars per news rack authorized shall be paid to the Town to offset the Town's cost of monitoring compliance with this ordinance.

Where the Board of Selectmen has required news racks to be set in corrals, or at hitching posts pursuant to 8.7.5.1 below, additional fees shall be imposed by the Board of Selectmen on Certificate Holders to offset the Town's costs for each such corral or hitching post used by such Certificate Holder.

Upon a showing of significant financial hardship, whereby the payment of the full Certificate of Compliance fee will impair the ability of the publisher to distribute a publication through news racks to members of the public, the Board of Selectmen may reduce the fee due upon initial application or upon an annual renewal by an amount it determines, in his sole discretion, as appropriate.

8.7.5 Standards

8.7.5.1 Placement

Subject to the prohibitions contained in this section news racks shall be placed parallel to and not less than eighteen inches (18") nor more than twenty-four inches (24") from the edge of the curb. News racks so placed shall face the sidewalk, not the street. News racks placed near the wall of a building or other structure must be placed parallel to and not more than six inches (6") away from the wall.

No news rack(s) shall be affixed, erected, installed, placed, used or maintained:

- at any location in excess of eight (8) feet in width (plus the width of a news rack) whereby the clear space for the passage of pedestrians is reduced to less than eight (8) feet in width; or, if the sidewalk location is less than eight (8) feet in width (plus the

width of a news rack), then the clear space for the passage of pedestrians shall not be reduced to less than five (5) feet in width; however, a width of four (4) to five (5) feet may be approved by the Board of Selectmen if requested, only after the Board of Selectmen consults with the Town Engineer as to whether the particular location at issue necessitates the 4-5 foot width, and whether the pedestrian passage there could safely and reasonably be reduced to a width of 4-5 feet; and

- within five (5) feet of crosswalk or handicapped ramp; and
- within five (5) feet of any fire hydrant, fire lane, fire call box, police call box or other emergency facility, mail box, telephone booth or stand; and
- within five (5) feet of any part of a curb return of a curb ramp or driveway, or in the case of a curb ramp or driveway without a curb return, within five (5) feet of the point where the curb edgestone or edging begins a change in grade toward the driveway or ramp on each side thereof, or in the case of a termination of the curb, edgestone or edging without a change in grade or a turn, within five (5) feet of the point where of the same terminates on each side of the ramp or driveway; and
- within five (5) feet of any traffic control signal or traffic sign; and
- within five (5) feet of a bicycle rack; and
- within five (5) feet ahead or fifteen (15) feet to the rear of any designated bus stop, taxi stand, valet parking area, loading zone or fire lane, or any disabled parking space, unless such news rack is placed parallel against a wall that is within four (4) feet of a designated bus stop, taxi stand, valet parking area, loading zone or fire lane and the news rack so placed does not project into or otherwise interfere with the unobstructed flow of pedestrian and vehicular traffic;
- which in any way protrudes onto a street; or
- on any sidewalk immediately abutting a public school.

The Board of Selectmen may require that news racks at locations in which more than three (3) are adjacent shall be set within an open-ended corral installed by the Town; and the Board of Selectmen may require that news racks at a particular location be chained to each other and/or to a permanent hitching post installed by the Town. The Board of Selectmen may choose the locations for corrals and hitching posts based on the history of misaligned or knocked over news racks at the location, the high volume of pedestrian traffic at the location, or the relatively high concentration of news racks at the location. However, nothing in this paragraph shall be construed to limit the locations at which corrals and hitching posts may be required.

8.7.6 Attachment to Property

Attachment to trees and other objects is prohibited. Except to the extent permitted by regulations promulgated by the Board of Selectmen, no Operator shall place or cause to be placed and no operator shall suffer to remain, any news rack chained or otherwise attached to any tree, street light post, traffic signal or sign.

8.7.7 Attachment to Other News Racks

News racks, when placed side by side, may be chained or otherwise attached to one another, provided that no group of news racks shall extend for a distance of more than eight (8) feet along a curb, and a space of not less than five (5) feet shall separate each group of news racks.

8.7.8 Advertising Prohibited

It shall be unlawful for any Operator to use a news rack for advertising or publicity purposes other than that dealing with the display, sale or purchase of the publications dispensed therein.

8.7.9 Installation, Maintenance, and Delivery Time

News racks shall be of a sturdy material and installed or otherwise placed and maintained by the Certificate Holder in accordance with the following provisions:

- Each news rack shall prominently display the name, address and phone number of a person or entity responsible for that news rack.

- Each news rack shall be:
 - Installed and placed on the pavement in an upright, sufficiently weighted and secured position;
 - Of a type that is completely enclosed, with a self-closing door that is either self-latching or otherwise requires manual or mechanical release at each use;
 - Maintained in a state of good repair and in a neat and clean condition;
 - Maintained in a condition that is free of accumulations of outdated printed materials, trash, rubbish, or debris; and
 - Handicapped accessible, as defined by the state Architectural Access Board at 521 C.M.R.
- Each news rack shall be regularly serviced so that:
 - It is kept reasonably free of graffiti;
 - It is kept reasonably free of chipped, faded, peeling and cracked paint in the visible painted areas thereof;
 - It is kept reasonably free of rust and corrosion in the visible unpainted metal areas thereof;
 - The clear glass or plastic parts thereof, if any, through which the printed material is being dispensed are not broken and are kept reasonably free of tears, peeling or fading; and
 - The structural parts of the news rack are not broken or unduly misshapen.
- Anyone disturbed by noise from the delivery of papers to any news rack may complain to the Board of Selectmen. The Board of Selectmen shall forthwith notify the Certificate of Holder of the complaint and attempt to resolve the complaint. If the complaint is not resolved to the complainant's satisfaction within ten (10) days, the complainant may request a meeting before the Board of Selectmen, or its designee, and the Certificate Holder. After such meeting, the Board of Selectmen shall have the authority to impose a reasonable resolution to the complaint, including ordering the relocation of the news rack/s causing the noise problem.

8.7.10 Enforcement Procedures

8.7.10.1 Non-Conforming News Racks

Any news racks found not to be in compliance with this bylaw shall be subject to the enforcement provisions contained herein.

8.7.10.2 Abandonment

In the event that any news rack installed pursuant to the provisions of this bylaw does not contain the printed material being dispensed therein for a period of seventy-two (72) hours after the release of the current issue, the Board of Selectmen may deem the news rack abandoned and take appropriate action under this bylaw. A news rack shall otherwise be deemed abandoned if no printed material is found in the news rack for a period of more than fifteen (15) consecutive days. In the event that a Certificate Holder voluntarily abandons a news rack location, the Certificate Holder shall so notify the Board of Selectmen, completely remove the news rack and restore the public way to a safe condition.

8.7.10.3 Enforcement

- Enforcement of the provisions of this bylaw shall be carried out by the Board of Selectmen. Upon a determination that a violation of any provision of this bylaw exists the Board of Selectmen shall notify the Certificate Holder of the violation in writing by first class mail. The notice shall include:
 - the location of the news rack;
 - the date of the incident or other cause giving rise to the violation; and
 - a brief and concise statement of the facts causing the violation.
- The notice shall inform the certificate holder that at the expiration of ten (10) days from the receipt of the violation notice, the news rack will be removed by the Board of Selectmen, unless the violation is corrected.

- Upon removal of a news rack, the Board of Selectmen shall send, by first-class mail, written notice of such removal to the Certificate Holder.
- Notwithstanding the provisions of the foregoing paragraphs of this section, the Board of Selectmen may order the immediate removal of any news rack(s) that the Board of Selectmen determines presents an imminent threat or peril to public safety, provided that the certificate holder, shall be notified of such removal as soon as practicable thereafter, and further provided that any news rack so removed shall be stored a period of thirty (30) days in order to allow the Certificate Holder to retrieve the news rack. If the Board of Selectmen removes a news rack under this section which does not have a certificate of compliance, the Board of Selectmen shall dispose of the news rack at the end of the thirty (30) day period.

8.7.11 Fees For Removal And Storage

A news rack removed pursuant to this bylaw may be retrieved by the Certificate Holder at any time within thirty (30) days of its removal upon payment of a removal fee of Twenty-Five (\$25) Dollars plus a storage fee of Five (\$5) Dollars per day, to a maximum combined removal and storage fee of One Hundred (\$100) Dollars.

After thirty (30) days, any news racks removed by the Board of Selectmen pursuant to 8.7.10 of this bylaw shall be deemed "abandoned property" and become the property of the Town of Reading.

Failure of a Certificate Holder to retrieve a news rack within the specified thirty (30) day period shall not operate to dismiss any fees owed to the Town for removal and storage of such news rack. Unpaid fees accrued pursuant to this 8.7.11 shall be considered a debt payable to the Town.

8.7.12 Regulations

The Board of Selectmen may promulgate such rules and regulations consistent with the provisions of this bylaw and the laws of the Commonwealth of Massachusetts as shall carry out the purposes of this bylaw.

8.7.13 Effect On Other Laws

Nothing in this bylaw shall affect the adoption of regulations concerning news racks by other government bodies, such as historic district commissions, to the extent such bodies are authorized to adopt such regulations.

8.8 Animal Control

Pursuant to the authority set forth in M.G.L. Chapter 140, Section 147A, the following bylaw is enacted for the regulation of dogs in the Town of Reading.

8.8.1 Definitions

As used in this bylaw, the following words and terms have the following meanings:

8.8.1.1 Animal Control Officer (ACO)

A person designated by the Town Manager

8.8.1.2 Banishment

An order by the Animal Control Appeals Committee (ACAC) that a vicious dog may no longer reside or visit in the Town of Reading.

8.8.1.3 Destruction

An order by the Animal Control Appeals Committee (ACAC) that a vicious dog be destroyed in accordance with M.G.L. Chapter 140, and Massachusetts Society for the Prevention of Cruelty to Animals guidelines.

8.8.1.4 Effective Voice Control

To be under effective voice control, the animal must be within the keeper's sight and the keeper must be carrying a leash and the animal must refrain from illegal activities.

8.8.1.5 Keeper

Any person having charge of an animal within the Town of Reading, including but not limited to the animal's owner, dog walkers, dog sitters, members of the animal owner's household or family.

8.8.1.6 Kennel

Four or more dogs, six months of age or older, kept on a single property, whether for breeding, sale, training, hunting, companionship or any other purpose.

8.8.1.7 Kennel License

A special license issued to a kennel, which allows payment of a single fee covering all dogs in the kennel; with the kennel license, the kennel owner receives a special kennel tag for each dog in the kennel.

8.8.1.8 License

A dog's registration, evidenced by a tag issued annually by the Town Clerk to the owner of each dog residing in Reading and worn by the dog securely fixed to its collar or harness.

8.8.1.9 License Transfer

The registration issued to a dog already licensed in another U.S. jurisdiction, after the dog moves into the Town of Reading.

8.8.1.10 License Period

An annual period, from January 1 through December 31.

8.8.1.11 Muzzling

Using a device that fits over a dog's mouth and prevents it from biting, but that does not cause any injury or interfere with the vision or respiration of the dog that wears it.

8.8.1.12 Nuisance Animal

An animal that repeatedly violates Section 8.8.3 of this bylaw.

8.8.1.13 Permanent Restraint

An order issued by the Animal Control Appeals Committee under Section 8.8.5.3, requiring a vicious dog's keeper to restrain it.

8.8.1.14 Restraint

Limiting, restricting, or keeping an animal under control by means of a physical barrier (e.g., a leash, substantial chain or line, visible or invisible fence).

8.8.1.15 Running at Large

A dog is running at large if it is not on the private property of its keeper, or on private property with the express permission of that property's owner, or on a leash, or under effective voice control (i.e., within the keeper's sight and the keeper is carrying a leash).

8.8.1.16 Temporary Restraint

An order issued by the ACO under Section 8.8.3.2, requiring the dog's keeper to restrain a nuisance dog or suspected vicious dog for thirty (30) days.

8.8.1.17 Vicious Dog

A dog that, without provocation, bites a human being or kills or maims a domestic animal without provocation.

8.8.1.18 Other Meanings

Any word or term defined in M.G.L. Chapter 140, Section 136A, and not otherwise defined here, is incorporated by reference.

8.8.2 Vaccination, Licensing and Fees**8.8.2.1 Three or fewer dogs****License and vaccination requirements**

All dogs six months and older, while residing in the Town of Reading, must have a license from the Town Clerk. To obtain or renew the license, each dog owner must annually present proof of a current rabies vaccination. When a veterinarian determines that vaccination is inadvisable, the owner may present a veterinarian's certificate exempting an old or sick dog from vaccination for a stated period of time.

New Dogs

Within thirty (30) days of acquiring a dog six (6) months of age or older, each dog owner in Reading must present proof of that dog's current rabies vaccination and obtain a license and dog tag from the Town Clerk.

New Puppies

Within six months of a puppy being born, each dog owner in Reading must present proof of that puppy's current rabies vaccination and obtain a license and dog tag from the Town Clerk.

New Residents

A new resident who owns a dog six (6) months of age or older must license it within thirty (30) days after moving into Reading. The Town Clerk will issue each dog a transfer license, upon the owner's surrender of a current license from another U.S. jurisdiction and proof of current rabies vaccination. The transfer license is valid until the next regular licensing period.

Lost Tags and Replacement Tags

Dog owners must replace a lost tag within three (3) business days of the loss, by obtaining a replacement tag from the Town Clerk.

Tag exemptions for dog events and medical reasons:

- A dog while actually participating in an official dog sporting or dog fancy event (if the event sponsors do not allow participants to wear tags) is exempt from the requirement that its license tag be affixed to its collar, provided its keeper has the tag at the event and available for inspection by the ACO.
- When a veterinarian determines that a dog cannot wear a collar for medical reasons, the dog is exempt from wearing a tag until it recovers, from the requirement that its license tag be affixed to its collar, provided its keeper has the tag in his or her possession and available for inspection by the ACO.

Annual Renewal

Dog owners must renew each dog license annually. The annual licensing period runs from January 1 through December 31.

License Due Date and Late Fee

The application form for obtaining, renewing or transferring a license shall be available to each household no later than December 31 each year. Dog owners must return forms and fees to the Clerk by March 31 (or the first business day thereafter, if March 31 falls on Friday, Saturday, Sunday or legal holiday). Any license renewed after this date is

overdue, and the owner must pay a late fee as determined by the Board of Selectmen in addition to the license renewal fee. The overdue license fee and the late fee may be added to the owner's tax bill or may be recovered through the imposition of a municipal charges lien on any property standing in the name of the dog owner, pursuant to M.G.L. Chapter 40, Section 58.

License Fees

The fees for licensing each dog shall be determined by the Board of Selectmen. The fees shall differentiate between neutered or spayed dogs, and non-neutered or non-spayed dogs. The fee for neutered or spayed dogs shall be less than the fee for non-neutered or non-spayed dogs.

8.8.2.2 Four or more dogs

License and Vaccination Requirements

Anyone who owns or boards four or more dogs within the Town of Reading must apply for and obtain a kennel license from the Town Clerk. (This requirement shall not apply to medical boarding by any licensed veterinarian practicing in the Town of Reading.) To obtain or renew the license, the kennel licensee who is also the owner of the dogs must present proof of current rabies vaccinations for each dog older than six months in the kennel. When it is off the kennel property, each dog in the kennel must wear a kennel tag, issued by the Town Clerk, affixed to its collar or harness. Kennel licensees who offer temporary boarding services must obtain valid proof that each dog in the kennel that is older than 6 months has received a current rabies vaccination which proof must be maintained in accordance with 8.8.2.1 bullet one herein.

New Dogs and New Puppies

The kennel licensee who is also the owner of the dogs must report to the Town Clerk each new dog in the kennel within thirty (30) days of its acquisition, show proof of current vaccination, and obtain a kennel tag for that dog. The kennel licensee must show proof of current vaccination and obtain a tag for each puppy when it reaches six months old.

Inspection Process

Before the Town Clerk can issue the kennel license, the Health Division Animal Inspector must inspect the proposed kennel, file a report on the inspection, and favorably recommend that the kennel meets all the following requirements:

- The location of the kennel is appropriate for housing multiple dogs.
- The location of the kennel on the property will have no significant adverse effect on the peace and quiet or sanitary conditions of the neighborhood.
- The area provided for housing, feeding, and exercising dogs is no closer than twenty (20) feet to any lot line.
- The area provided for housing, feeding, and exercising dogs is no closer than fifty (50) feet to any existing dwelling on an abutting lot.
- The kennel will be operated in a safe, sanitary and humane condition.
- Records of the numbers and identities of the dogs are properly kept.
- The operation of the kennel will be consistent with the health and safety of the dogs and of the neighbors.

Periodic Inspections

Before a kennel license is renewed, and at any time they believe it necessary, the ACO and/or the Health Division may inspect any kennel. If the ACO or the Health Division determine that the kennel is not being maintained in a safe, sanitary and humane condition, or if the kennel records on the numbers and identities of the dogs are not properly kept, the ACO will report the violations to the Animal Control Appeals Committee (ACAC) for a hearing on whether to impose fines or revoke the kennel license.

Kennel Review Hearings

Within seven (7) business days after receiving the ACO's report of violations, the ACAC will notify all interested parties of a public hearing to be held within fourteen (14) days after the notice date. Within seven (7) business days after the public hearing, the ACAC shall either revoke the kennel license, suspend the kennel license, order compliance, or otherwise regulate the kennel.

Penalties

Any person maintaining a kennel after the kennel license has been denied, revoked or suspended will be subject to the penalties in Section 8.8.7 of this bylaw.

Annual Renewal

Each kennel licensee must renew the license annually at the Town Clerk's Office. The annual licensing period runs from January 1 to December 31.

License Due Date

Kennel license renewal forms will be sent to each licensed kennel no later than December 1 each year. Kennel licensees must return forms and fees to the Town Clerk by January 15 (or the first business day thereafter, if the 15th falls on Friday, Saturday, Sunday or legal holiday). Failure to pay on time will result in a late fee, due in addition to the license fee. The overdue license fee and the late fee may be added to the licensee's tax bill or may be recovered through the imposition of a municipal charges lien on any property standing in the name of the kennel licensee, pursuant to M.G.L. Chapter 40, Section 58. Nothing in this bylaw shall prevent or abrogate the Board of Health's authority to license and inspect kennels in the Town of Reading.

Fees

The fees for licensing each kennel shall be established by the Board of Selectmen.

Incorporation

The following provisions of M.G.L. Chapter 140 are expressly incorporated herein: Section 137B - Sale or other delivery of unlicensed dog by kennel licensee; Section 137D - Licensee convicted of violation of statutes relating to offenses against animals; and Section 138A - Importation of dogs and cats for commercial resale, etc.

8.8.3 Conduct of Animals**8.8.3.1 Endangering Safety**

No animal keeper shall allow its animal to bite, menace or threaten, all without provocation, so as to endanger the safety of any person. This section is not meant to preclude an animal from acting as a watchdog on its keeper's property.

8.8.3.2 Disturbing the Peace

No animal keeper shall allow the animal to disturb the peace of any neighborhood by making excessive noise without provocation. Noise is excessive if it is uninterrupted barking, yelping, whining, or howling for a period of time exceeding 15 minutes. This section is not meant to preclude a dog from acting as a watchdog on its keeper's property.

8.8.3.3 Damaging Property

No animal keeper shall allow the animal to damage public or private property or realty.

8.8.3.4 Running at Large

When not on the private property of its keeper, or on private property with the express permission of that property's owner, an animal must be on a leash or may be under effective voice control in locations noted below. To be under effective voice control, the animal must be within the keeper's sight and the keeper must be carrying a leash.

Voice Control in Place of Leash Control Allowed

A dog may be under voice control when within the Town Forest or on Conservation lands.

Public Gatherings - Leash Control Only

An animal may be at any public gathering not otherwise specified in this bylaw only if it is on a six-foot or shorter leash and the animal must refrain from illegal activities.

School Grounds

Animals are not allowed during school - leash control only at other times. Unless the school Principal gives permission in advance, no animal may be on school grounds from thirty (30) minutes before classes begin until thirty (30) minutes after classes end. At all other times, the animal may be on school grounds only if it is on a six-foot or shorter leash. An animal is not violating this prohibition if it remains within a vehicle.

Exception for Assistance Animals (service animals)

Section 8.8.3.4 does not apply to any properly trained assistance animal or service animal while performing its duties.

8.8.3.5 Chasing

No animal keeper shall allow the animal to chase a person, motor-powered vehicle, human-powered vehicle, or animal drawing or carrying a person.

8.8.3.6 Dog Litter

Every dog keeper is responsible for expeditiously removing any dog feces the dog deposits anywhere except on its keeper's private property, on other private property with the property owner's permission. This provision does not apply to any assistance dog or service dog while it is performing its duties.

8.8.4 Animal Control Officer**8.8.4.1 Appointment**

The Town Manager shall appoint an Animal Control Officer (ACO) under the provisions of M.G.L. Chapter 140, Sections 151 and 151A to carry out the provisions of this bylaw and to perform such other duties and responsibilities as the Town Manager or his designee may determine.

8.8.4.2 Duties

The ACO's duties shall include but not be limited to the following:

- Enforcement of the Town of Reading Animal Control bylaw and relevant State regulations.
- Explanation of bylaw violations.
- Notification to the owner of unlicensed dogs.

Issuance of Temporary Restraint Orders

The ACO shall issue an order of temporary restraint to the keeper of any animal that is a nuisance or that is awaiting a decision under Section 8.8.6 as to whether it is vicious. An order of temporary restraint is an order that the animal must be confined to its keeper's property when not on a six (6) foot or shorter leash or may be ordered to be sheltered at a local kennel or veterinarian facility at the animal owner's expense; muzzling will be at the ACO's discretion. It shall be in force for no more than thirty (30) days unless the ACO renews it in writing for subsequent thirty (30) day periods. The ACO shall rescind or stop renewing the order when, in the ACO's judgment, restraint is no longer required. The animal's keeper can petition the Animal Control Appeals Committee (ACAC) under Section 8.8.5.2 to rescind the order of Temporary Restraint.

Issuance of an Order of Confinement

The ACO may make arrangements for the temporary housing of any animal that is to be confined under the provisions of this bylaw. The housing may be at local veterinary clinics, or at dog kennels within the Town or neighboring towns, and shall be at the animal owner's expense.

Complaint Resolution

The ACO shall investigate all complaints arising within the Town pertaining to violations of this bylaw and try to mediate disputes between Town residents pertaining to the behavior of an animal maintained or located within the Town. If the mediation fails, the ACO will decide on a solution and inform the animal owner and any resident that brought a complaint or problem to the ACO's attention. Any party aggrieved by or disagreeing with the ACO's decision may appeal that decision to the Animal Control Appeals Committee; the ACO shall attend the meetings of the ACAC on the matter.

Recordkeeping

The ACO shall keep accurate, detailed records of the confinement and disposition of all animals held in custody and of all bite cases reported, and the results of investigations of the same. The ACO shall maintain a telephone log of all calls regarding animals and submit a monthly report summarizing the log to the ACAC.

8.8.5 Animal Control Appeals Committee (ACAC)**8.8.5.1 Composition of the ACAC**

The Animal Control Appeals Committee is comprised of three Reading residents, none of whom can be employees of the Town, appointed to three-year overlapping terms by the Board of Selectmen. The ACAC will annually select a member to serve as the Chair. At least one of the three members must be a dog owner.

8.8.5.2 Right to Appeal

When the ACO has investigated a complaint regarding an animal's behavior and has issued a finding or an order of Temporary Restraint with which either the animal's keeper or the complainant disagrees, then either party may appeal by sending a written request to the Town Clerk within ten (10) business days after issuance of the ACO's decision. Following the Clerk's receipt of a written appeal, the ACAC shall hold a public hearing on the appeal within fourteen (14) days, at which the dog owner, the complainant, and the ACO must appear.

8.8.5.3 Findings and Further Appeals

The ACAC shall vote at the public hearing on whether to uphold, reverse, or modify the ACO's decision and shall mail its ruling to the animal owner, complainant, and ACO within three (3) business days after the public hearing.

8.8.5.4 Hearings

The ACAC shall hold public hearings and make decisions on any vicious dog declaration under Section 8.8.6.

8.8.5.5 Further Appeals

An appeal from a decision of the ACAC may be made by either the Owner or Complainant.

8.8.6 Vicious Dogs**8.8.6.1 Declaring a Dog Vicious**

Any dog that, without provocation, bites a human being or kills or maims a domestic animal without provocation may be declared vicious by the ACAC. An exception may be

made for a puppy (animal under six (6) months old) that draws blood, or for a dog that attacks or bites an unaccompanied domestic animal on the dog keeper's property.

8.8.6.2 Procedure for Declaring a Vicious Dog

Upon the written complaint of the ACO, any other public safety agent, or upon the petition of not less than five (5) individuals from five (5) separate households the Animal Control Appeals Committee (ACAC) shall hold a public hearing, after which it will determine whether it should declare a dog vicious and, if so declared, what remedy is appropriate.

8.8.6.3 Exceptions

A dog shall not be declared vicious if the ACAC determines any of the following:

- The person's skin was not broken.
- The person who was bitten was willfully trespassing, committing a crime, or attempting to commit a crime on the premises occupied by the dog's keeper.
- The dog was being teased, tormented, abused, or assaulted by the injured person or animal prior to attacking or biting.
- The dog was protecting or defending a human being in its immediate vicinity from attack or assault.

8.8.6.4 Remedies

Upon its finding that the dog is vicious, the ACAC shall order one of the following remedies: permanent restraint, banishment, or destruction in accordance with MSPCA guidelines.

- Permanent Restraint Order is an order that the dog must at all times while on its keeper's property be kept within the keeper's house or a secure enclosure. The secure enclosure shall be a minimum of five (5) feet wide, 10 feet long, and five (5) feet in height, with a horizontal top covering the entire enclosure; shall be constructed of not less than nine (9) gauge chain link fencing; the floor shall be not less than three (3) inches of poured concrete; with the bottom edge of fencing embedded in the concrete; shall be posted with a clearly visible warning sign including a warning symbol; must contain and provide protection from the elements; and shall comply with all applicable building codes and with the Zoning By-Laws of the Town of Reading. In addition, the keeper of the dog shall annually provide proof to the Town Clerk of a liability insurance policy of at least One Hundred Thousand (\$100,000) Dollars for the benefit of the public safety; and whenever the dog leaves its keeper's property, it must be muzzled and restrained on a lead no longer than six feet or confined in an escape-proof enclosure.
- Banishment is an order that a vicious dog may no longer reside or visit in the Town of Reading. A vicious dog that is confined to a vehicle while passing through Reading is not "visiting" and therefore is not in violation of the order of Banishment.
- Destruction is an order that the dog be destroyed in accordance with M.G.L. Chapter 140, and Massachusetts Society for the Prevention of Cruelty of Animals guidelines.

8.8.7 Penalties

8.8.7.1 Fines

Any animal keeper who maintains a kennel after the kennel license has been denied, revoked or suspended, or who fails to obtain a kennel license; and any animal keeper who fails to comply with Section 8.8.3 Conduct of Animals shall be subject to penalties as determined by the Animal Control Appeals Committee, not exceeding Three Hundred (\$300) Dollars per day for every day of the violation.

8.8.7.2 Reimbursement of Costs

If the Animal Control Officer confines a dog and the animal owner does not pay all fees directly to the kennel or veterinary clinic, then the dog's keeper must reimburse the Town of Reading for any expenses incurred in boarding that dog. If the dog has not been

licensed, the keeper must obtain a license and pay any applicable late fee before the dog can be released.

8.8.7.3 Penalties for Violating Restraint Orders

The ACAC shall determine a schedule of penalties not exceeding Three Hundred (\$300) Dollars per day for each and every violation of restraint orders.

8.8.8 Miscellaneous

8.8.8.1 Enforcement

In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and M.G.L. Chapter 40, Section 21D.

8.8.8.2 Incorporation of State Law

The provisions of M.G.L. Chapter 140, Sections 136A through 156 and 158 through 174D, inclusive, as may be amended from time to time and except as modified herein, are hereby incorporated into this bylaw.

8.9 Public Conduct

8.9.1 Firearms

No person shall fire or discharge any fireworks, firearms, cannon or explosives of any kind

- on or within the limits of any street, highway, park or other public property, except with the written permission of the Board of Selectmen or its designee, or
- on any private property except with the written consent of the owner or legal occupant thereof and the written permission of the Board of Selectmen or its designee; provided, however, that this bylaw shall not apply to the lawful defense of life or property, nor to any law enforcement officer acting in the discharge of his duties, nor to the use of such weapon at any military exercises or any established rifle range, nor to the rights and privileges of an owner or lessee of land as set forth in M.G.L. Chapter 131 relative to hunting and sporting.

8.9.2 Peeping

No person, except an officer of the law in the performance of his duties, shall enter upon the premises of another or upon public lands with the intention of peering into the windows or doors of a house or of spying upon, in any manner, any person or persons therein.

8.9.3 Burning Leaves

No person shall burn or cause to be burned in the open, fallen leaves within the Town.

8.9.4 Public Buildings, Public Property and Public Ways

8.9.4.1 Gambling Prohibited

No person shall gamble in any building or room owned or occupied by the Town, or upon any public property or public ways, except as otherwise authorized by the Board of Selectmen, special Statute or general laws.

8.9.4.2 Liquor Prohibited

No person shall keep, use or have in his possession any spirituous or intoxicating liquor in any building or room owned or occupied by the Town, or upon any public property or public ways, except as otherwise authorized by the Board of Selectmen, special Statute or general laws.

8.9.4.3 Tobacco Regulated

No person shall smoke or have in his possession any lighted cigar, cigarette, or other tobacco product in any building or room owned or occupied by the Town.

8.9.5 Loitering

No person, after being otherwise directed by a Police Officer, shall loiter, sit or stand in any street, common place or public building so as to obstruct or impede the free passage of any other person.

8.9.6 Consumption of Alcoholic Beverages

No person shall consume any alcoholic beverages as defined in M.G.L. Chapter 138, Section 1, while on, in or upon any public way, public parking lot or upon any vehicle on such way, lot or place except as otherwise authorized by the Board of Selectmen, special Statute or general laws.

All alcoholic beverages being used in violation of this bylaw shall be seized and safely held until final adjudication of the charges against the person or persons arrested or summoned before the Court, at which time they shall be returned to the person entitled to lawful possession.

8.9.7 Public Consumption of Marijuana or Tetrahydrocannabinol

No person shall smoke, ingest or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in M.G.L. Chapter 94C, Section 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, school house, school grounds, cemetery, parking lot or any area owned by or under the control of the Town; or in or upon any bus or other passenger conveyance operated by a common carrier, or in any place accessible to the public.

This bylaw may be enforced through any lawful means in law or in equity including enforcement by noncriminal disposition, pursuant to M.G.L. Chapter 40, Section 21D, by the Police Department. The fine for violation of this bylaw shall be Three Hundred (\$300) Dollars for each offense. Any penalty imposed under this bylaw shall be in addition to any civil penalty imposed under M.G.L. Chapter 94C, Section 32L.

8.9.8 Construction Hours**8.9.8.1 Purpose**

The intent of this bylaw is to regulate the hours during which construction and demolition activities may take place within the Town and otherwise to limit the impact of such activities on nearby residents and business.

8.9.8.2 Definition

"Construction" shall mean and include the construction, reconstruction, alteration, repair, demolition and/or removal of any building, structure or substantial part thereof if such work requires a building permit, razing permit, electrical permit, plumbing permit, gas permit, or mechanical permit. "Construction" shall also include excavation that involves the use of blasting jackhammers, pile drivers, back hoes and/or other heavy equipment. "Construction" shall also include the starting of any machinery related to the above; deliveries; fueling of equipment; and any other preparation or mobilization for construction which creates noise or disturbance on abutting properties.

For purposes of this section a "small contractor" shall mean a licensed person hired to perform less substantial construction work which shall mean work performed entirely on the interior of a building, with no evidence of such activity visible or audible at the property line of the property where construction is taking place.

8.9.8.3 Hours

No person shall perform any construction within the Town except between the following hours, except that set-up and delivery may take place as early as 6:30 AM:

- 7:00 AM and 8:00 PM, Monday through Friday;
- 7:00 AM to 5:00 PM on Saturdays;
- None on Sundays and legal holidays.

8.9.8.4 Exemptions

The restrictions set forth in this bylaw shall not apply to any work performed as follows:

- By any federal or state department, Reading Department of Public Works, the Reading Municipal Light Department and/or any contractors working directly for these agencies, when working within a public way or within easements;
- By a resident on or in connection with his residence, without the aid of hired contractors, whether or not such residence is a detached single family home;
- Less substantial construction performed by a small contractor as defined above;
- Work occasioned by a genuine and imminent emergency, and then only to the extent necessary to prevent loss or injury to persons or property.

8.9.8.5 Permits

The Chief of Police or his designee (the Chief), may in his reasonable discretion, issue permits in response to written applications authorizing applicants to perform construction during hours other than those permitted by this bylaw. Such permits may be issued upon a determination by the Chief, in consultation with the Building Inspector, the Town Engineer or other Town staff, that literal compliance with the terms of this bylaw would create an unreasonable hardship and that the work proposed to be done (with or without any proposed mitigative measures) will have no adverse effects of the kind which this bylaw seeks to reduce. Each such permit shall specify the person authorized to act, the dates on which or within which the permit will be effective, the specific hours and days when construction otherwise prohibited may take place, and any conditions required by the Chief to mitigate the effect thereof on the community. The Chief may promulgate a form of application and charge a reasonable fee for each permit. No permit may cover a period of more than thirty (30) days. Mitigative measures shall include notice to residents in the surrounding area, and other mitigation as determined by the Chief. Objections by such residents shall be noted by the Chief and shall be taken into account when considering issuance of such permit.

8.9.8.6 Unreasonable Noise

Regardless of the hour or day of the week, no construction shall be performed within the Town in such a way as to create unreasonable noise. Noise shall be deemed unreasonable if it interferes with the normal and usual activities of residents and businesses in the affected area and could be reduced or eliminated through reasonable mitigative measures.

8.9.8.7 Copy of Bylaw

The Building Inspector shall deliver a copy of this bylaw to each person to whom it issues a building permit, razing permit, electrical permit, plumbing permit, gas permit or mechanical permit at the time that the said permit is issued.

8.9.8.8 Enforcement

In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and M.G.L. Chapter 40, Section 21D.

8.9.9 Door-To-Door Solicitors and Canvassers**8.9.9.1 Definitions**

- As used in this section, the terms "solicit" and "canvas" shall mean and include any one or more of the following activities conducted at residences without the previous consent of the owner:
 - Seeking to obtain the purchase, or orders for the purchase of goods, wares, merchandise, foodstuffs or services of any kind, character or description whatever for any kind of consideration whatsoever; or

- Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication.

8.9.9.2 Applicability

- The provisions of this section shall not apply to officers or employees of the Town, State or Federal government, or any subdivision thereof when on official business, or to neighborhood youth and students who solicit for the shoveling of snow or cutting of lawns or similar services to residents, nor shall it be construed to prevent route salespersons or other persons having established customers to whom they make periodic deliveries from calling upon such customers.
- If any solicitor or canvasser is under the age of eighteen (18) years and is selling goods or periodicals for a commercial purpose, the provisions of M.G.L. Chapter 101, Section 34 shall apply.
- The provisions of this section shall not apply to any person soliciting solely for religious, charitable or political purposes.

8.9.9.3 Registration Required

It shall be unlawful for any person to solicit or canvas or engage in or conduct business as a canvasser or solicitor without first having obtained a Certificate of Registration from the Chief of Police as provided in this section.

8.9.9.4 Application for Certificate of Registration

- Application for a Certificate of Registration shall be made upon a form provided by the Police Department along with a nonrefundable application fee. Said fee to be determined by the Board of Selectmen.
- An authorized representative of the sponsoring organization shall apply to the Chief of Police or his designee either in person or by mail. All statements on the application or in connection therewith shall be under oath. The applicant shall provide all information requested on the application, including:
 - Name, address and telephone number of the sponsoring organization, along with a listing of all officers and directors;
 - State and/or Federal Tax Identification Number of the sponsoring organization;
 - Name, residential and business address, length of residence at such residential address, telephone number, social security number and date of birth of each representative of the sponsoring organization who will be soliciting or canvassing in the Town;
 - Description sufficient for identification of the subject matter of the soliciting or canvassing in which the organization will engage;
 - Period of time for which the Certificate is applied (every Certificate shall expire within one year of date of issue);
 - The date of the most recent previous application for a Certificate under this section;
 - Any previous revocation of a Certificate of Registration issued to the organization or to any officer, director or representative of the organization by any city or town and the reasons therefore;
 - Any convictions or imprisonment for a felony, either state or federal, within five (5) years of the application, by the sponsoring organization, any of its officers or directors, or any representative who will be soliciting or canvassing in the Town;
 - Names of the three (3) communities where the organization has solicited or canvassed most recently;
 - Proposed dates, hours and method of operation in the Town;
 - Signature of an authorized representative of the sponsoring organization.
- A photograph or an acceptable photocopy of a photograph of each representative of the sponsoring organization who will be soliciting or canvassing in the Town shall be attached to the application.

- No Certificate of Registration shall be issued to any person, or to any organization having an officer or director, who was convicted of commission of a felony, either state or federal, within five (5) years of the date of the application, nor to any organization or person whose Certificate of Registration has previously been revoked as provided below.
- Fully completed applications for Certificates shall be acted upon within five (5) business days of receipt. The Chief of Police shall cause to be kept in his office accurate records of every application received together with all other information and data pertinent thereto and of all Certificates of Registration issued under this section and of all denials.
- Upon approval of an application, each solicitor or canvasser shall be issued a Certificate of Registration with a photo identification badge to carry upon his person at all times while soliciting or canvassing in the Town and to display the certificate whenever asked by any police officer or any person solicited.

8.9.9.5 Revocation of Certificate

- Any Certificate of Registration issued hereunder may be revoked by the Chief of Police for good cause, including conviction of the holder of the Certificate of a Violation of any of the provisions of this section or a false material statement in the application. Immediately upon such revocation, the Chief of Police shall give written notice to the holder of the Certificate in person or by certified mail addressed to his residence address set forth in the application.
- Immediately upon the giving of such notice, the Certificate of Registration shall become null and void. In any event, every Certificate of Registration shall state its expiration date, which shall be no later than one year from date of issue.

8.9.9.6 Deceptive Practices

No solicitor or canvasser registered or exempt from registering may use any plan, scheme, or ruse which misrepresents the true status or mission of any person conducting the solicitation or canvas in order to gain admission to the home, office or other establishment of any person in the Town.

8.9.9.7 Duties of Solicitors and Canvassers

It shall be the duty of every solicitor and canvasser going onto any premises in the Town to:

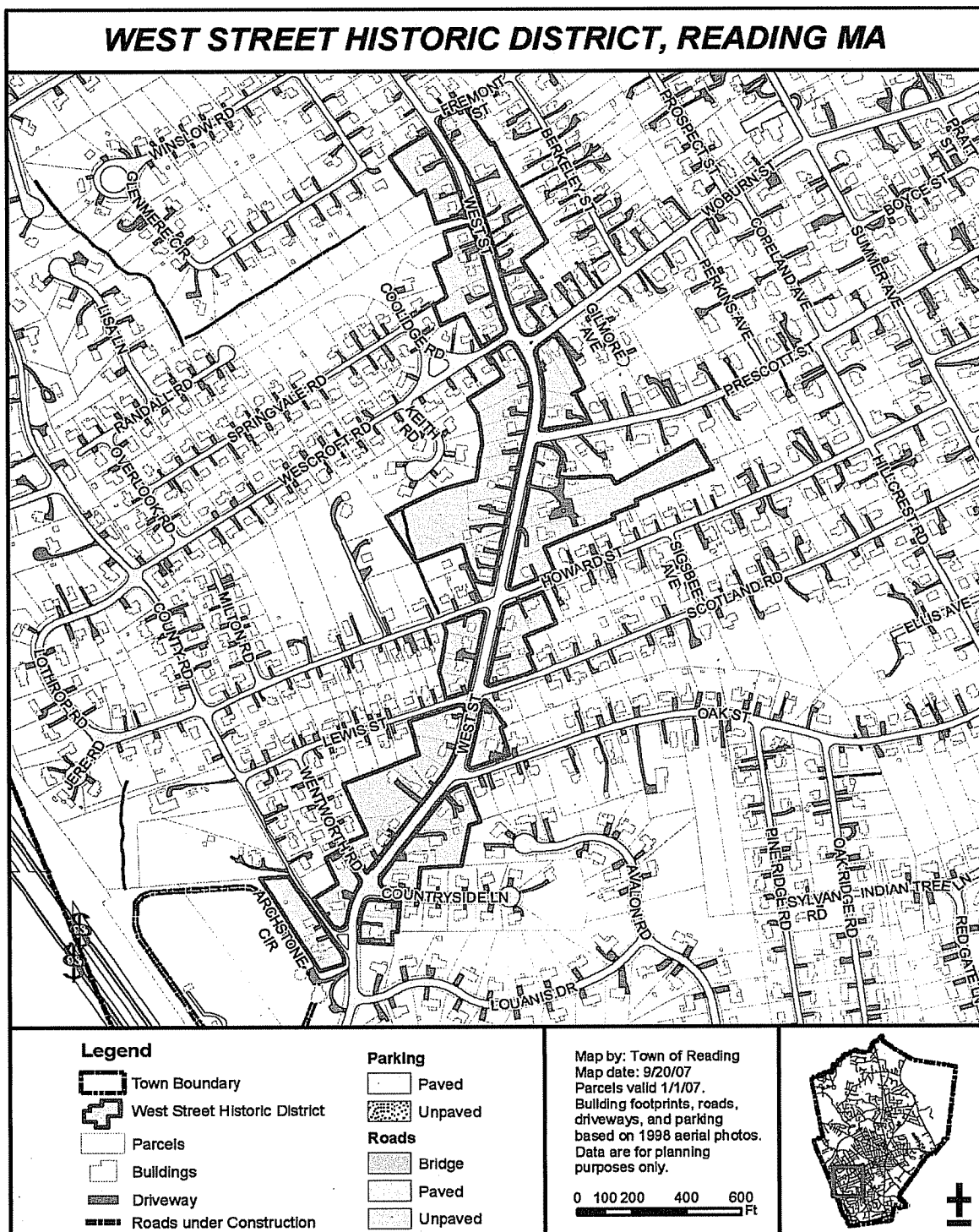
- Display a Town-issued photo identification badge on the outside of their person; and
- First examine whether there is a notice posted stating that no solicitors are welcome. If such notice is present, then the solicitor or canvasser shall immediately and peacefully depart from the premises; and
- Any solicitor or canvasser who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

8.9.9.8 Enforcement

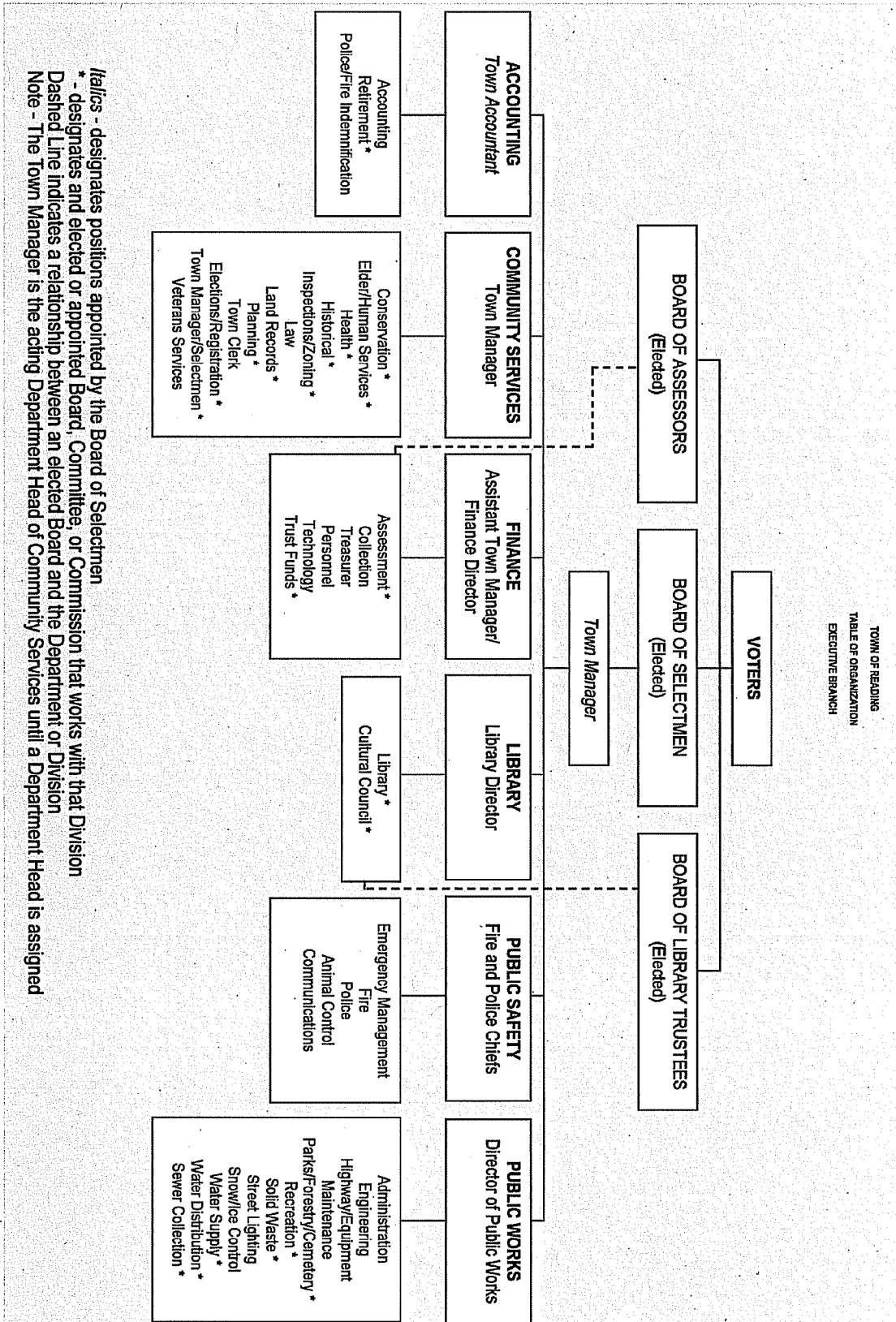
In addition to any other means of enforcement, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 of this bylaw, and M.G.L. Chapter 40, Section 21D.

APPENDICES

Appendix A: Map - West Street Historic District



Appendix B: Table of Organization



CHRONOLOGY

Article	Bylaw	Date Adopted by Town Meeting	Warrant Article	Amendments
1.1	Purpose of Bylaw	November 13, 1989	4	
1.2	Construction	November 13, 1989	4	
1.3	Amendment	March 27, 1958	63	1988
1.4	Repeal	June 5, 1916	13	1972
1.5	Enforcement	March 2, 1896	52	1916, 1972
1.6	Severability	November 13, 1989	4	
1.7	Definitions	November 30, 1990		
2.1	General Town Meeting ⁽¹⁾	March 2, 1896	52	1917, 1992, 1994, 1995, 1996, 1999, 2005
2.2	Conduct of Town Meeting	March 2, 1896	52	1916, 1994, 1998, 2003, 2005
3.1	Board of Selectmen ⁽¹⁾	June 15, 1916	13	1972
3.2	Town Treasurer Collector -Accountant	March 2, 1896	52	1947, 1958, 1972
3.3	Town Clerk ⁽¹⁾	June 15, 1916	13	1972
3.4	Finance Committee ⁽¹⁾	June 15, 1916 March 1, 2007	13 11	1958, 1991, 2007
3.5	Bylaw Committee	November 17, 1977	14	1990
3.6	Council on Aging	March 21, 1957	31	1977
3.7	Gas Inspector	May 24, 1961	2	
3.8	Audit Committee	November 12, 1992	35	2003
4.1	Capital Improvements Program	April 17, 1977	15	
4.2	Resolution of Legal Matters	November 13, 1986	16	Various
4.3	Town Reports and Records	March 20, 1972 April 23, 2007	5 12	2007

Article	Bylaw	Date Adopted by Town Meeting	Warrant Article	Amendments
4.4	Conflict of Interest (Contracts)	March 2, 1896	52	1916, 1958, 1990, 1996, 1998
4.5	Licenses	April 23, 1981 April 22, 2002	23 18	2001 2002
4.6	Disposal of Surplus Property	November 16, 1970 November 10, 2003	11 15	1991 2003
4.7	Personnel	January 17, 1949	2	1975, 1987
4.8	Physical Qualifications for Town Employees	March 24, 1960	24	1982
4.9	User Fees	April 23, 1981 April 22, 2002	21 18	1990 2002
4.10	Municipal Data Processing Center	June 10, 1982	6	
4.11	Rules and Regulations	November 14, 1988	30	
5.1	Public Works	March 2, 1896	52	Various, 1991
5.2	Streets, Highways and Public Property	March 2, 1896	52	1916, 1958, 1994, 1996
5.3	Anti-Litter	March 20, 1972	5	
5.4	Excavation and Wells	October 5, 1953	2	1990
5.5	Public Conduct	Various as Per:		
5.5.1	Firearms	April 16, 1956	49	
5.5.2	Peeping	March 21, 1968	36	
5.5.3	Burning Leaves	March 30, 1970	57	
5.5.4	Public Buildings	March 20, 1972 April 25, 2002 November 10, 2003 November 9, 2009	5 24 16 12	1987, 1993 2002
5.5.5	Loitering	March 3, 1896	9	1972
5.5.6	Consumption of Alcoholic Beverages	September 24, 1973	3	
5.5.7	Creating a Hazard	November 12, 1985	13	

Article	Bylaw	Date Adopted by Town Meeting	Warrant Article	Amendments
5.5.8	Construction Hours and Noise Limits	November 16, 2006	15	
5.5.9	Door- to-Door Solicitors and Canvassers	May 1, 2006	23	
5.5.10	Public Consumption of Marijuana or Tetrahydrocannabinol	May 4, 2009	17	
5.6	Animal Control Bylaw	March 30, 1970	59	
		April 22, 2002	18	
		May 1, 2006	21	1972, 1998, 2000
		April 30, 2007	26	2002, 2006, 2007
5.7	Wetlands Protection	November 15, 1979	14	1990, 1991, 1992
		November 19, 2001	23	2001
5.8	Scenic Roads	April 14, 1983	10	
5.9	News Racks	November 28, 1983	18	
5.10	Retail Sales	April 14, 1988	4	2000
		March 1, 2007	12	2007
5.11	Non-Criminal Disposition of Certain Violations of Bylaws and Rules and Regulations	November 14, 1988	21	1991, 1994
5.12	Regulation of Certain Motor Vehicles	November 12, 1992	37	
5.13	Demolition of Structures of Potential Historical Significance	November 16, 1995	13	
		May 4, 2006	24	
		April 28, 2011	19	2006, 2011
5.14	Emergency Vehicle Access and Fire Lanes	April, 1997	29	
5.15	Designated Parking Spaces and Curb Ramps for Disabled Veterans or Handicapped Persons	May 5, 1997	30	
5.16	Outdoor Loudspeakers and Public Address Systems	April 30, 1998	23	

Article	Bylaw	Date Adopted by Town Meeting	Warrant Article	Amendments
5.17	Storing and Handling of Crude Petroleum or any Crude Petroleum Products	April 26, 2004 April 25, 2011	11 18	2011
5.18	Local Historic District	November 18, 2004 May 5, 2005	17 27	
6.0	Building Code	March 4, 1902	42	Various

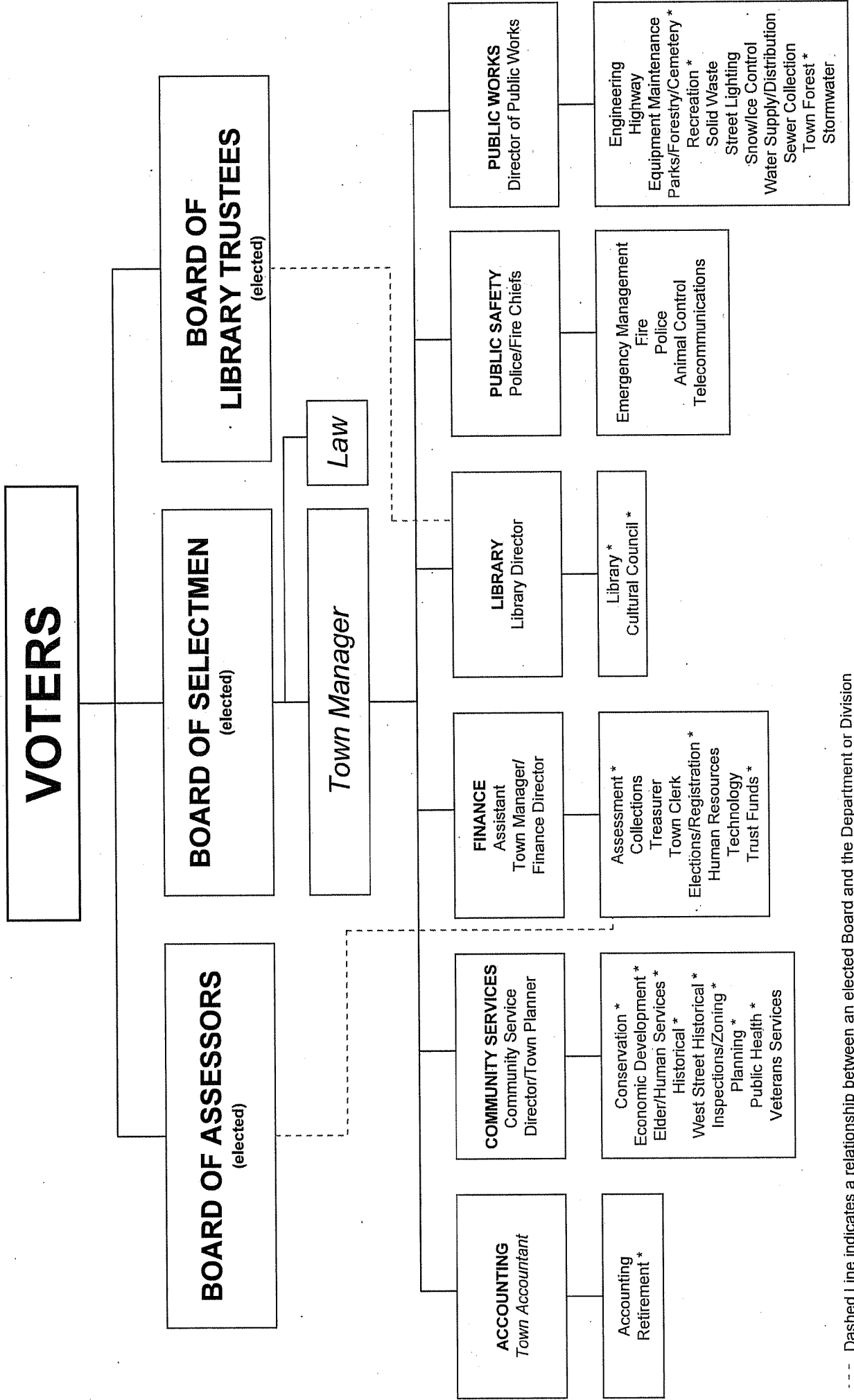
⁽¹⁾ Function was not initiated by a bylaw but mandated by State statute.

Major Revisions of bylaw were conducted in 1916, 1949, 1958, 1972, 1989 and 2011.

Not a part of the General Bylaw document. For information purposes only.

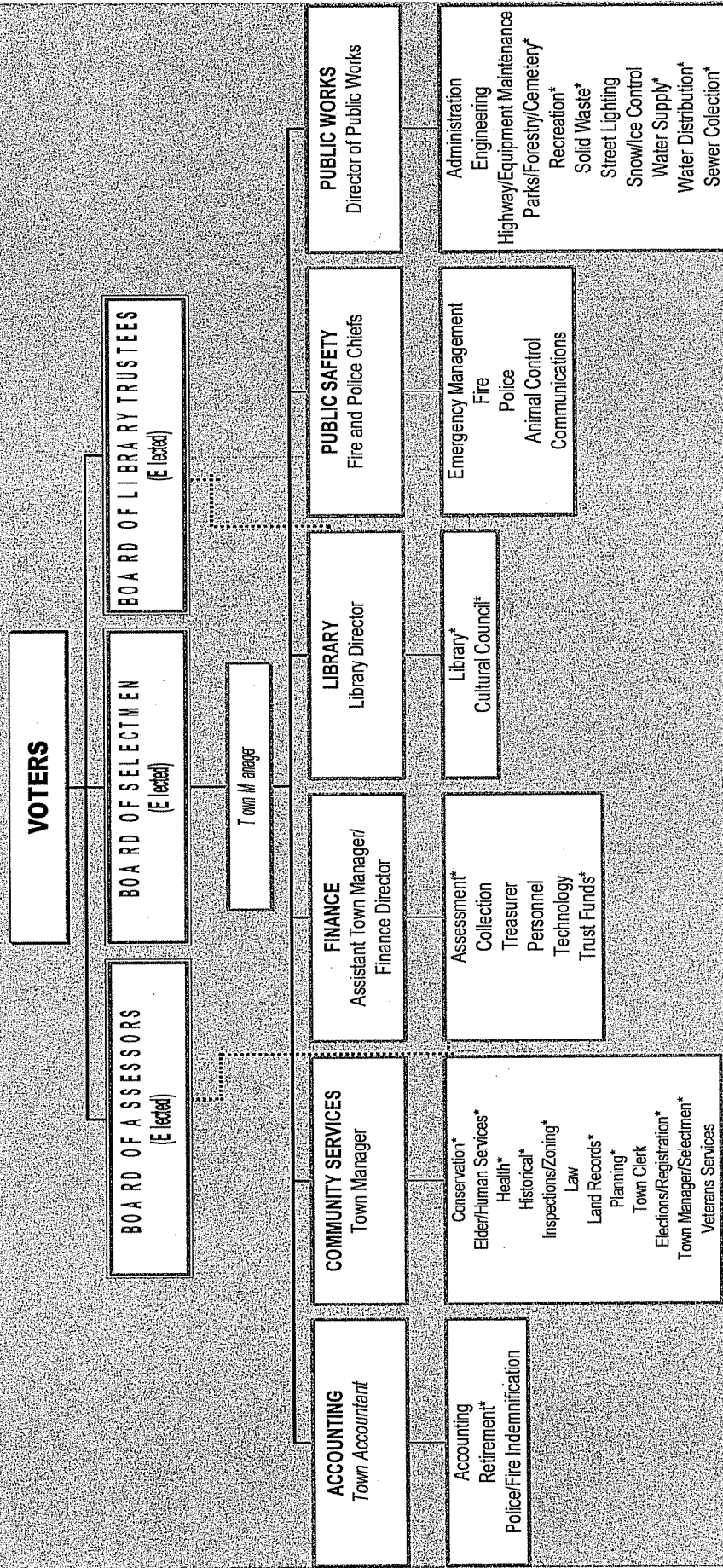


Town of Reading, MA
Executive Branch
Table of Organization
(Adopted 9/20/11)



--- Dashed Line indicates a relationship between an elected Board and the Department or Division
Italic Designates positions appointed by the Board of Selectman
* Designates an elected or appointed Commission, Board or Committee that works within that Division

**TOWN OF READING
TABLE OF ORGANIZATION
EXECUTIVE BRANCH**



Italics – designates positions appointed by the Board of Selectmen

* - designates an elected or appointed Board, Committee, or Commission that works with that Division

Dashed Line indicates a relationship between an elected Board and the Department or Division

Note – The Town Manager is the acting Department Head of Community Services until a Department Head is assigned

CONDUCT OF TOWN MEETING

Reading's Town Meeting is conducted in accordance with the rules set down in Article 2 of the Charter and the General Bylaws. Although Town Meeting Time Third Edition is the basic source, a Town Meeting Member need only be familiar with what is contained in the Charter. These notes are intended to outline the major points all Town Meeting Members should know, and which by knowing will make Town Meeting more understandable.

ORGANIZATION

- ◆ Town Meeting consists of 192 elected members, of which 97 constitute a quorum.
- ◆ There are two required sessions: The Annual Meeting in Spring which is primarily for fiscal matters and acceptance of the annual budget, and the Subsequent Meeting in November. Special Town Meetings may be called at any time that the need arises.
- ◆ There are three main committees which review certain Articles and advise Town Meeting of their recommendations:

Finance for all expenditures of funds, Bylaw for all bylaw changes, and the Community Planning and Development Commission for all zoning changes.

Their reports are given prior to discussing the motion.

GENERAL RULES OF PROCEDURE

- ◆ The Meeting is conducted through the Warrant Articles which are presented (moved) as motions. Only one motion may be on the floor at a time; however, the motion may be amended. Often two or more Articles which address the same

subject may be discussed together; however, only one is formally on the floor, and each when moved is acted upon individually. Note that the vote on one may influence the others.

- ◆ Members who wish to speak shall rise, state their name and precinct in order to be recognized.
- ◆ A Member may speak for ten (10) minutes but permission must be asked to exceed this limit.
- ◆ Seven (7) Members can question a vote and call for a standing count, and twenty (20) can ask for a roll call vote; however, a roll call vote is seldom used because of the time it takes.

PRINCIPAL MOTION ENCOUNTERED AT TOWN MEETING

The following motions are the principal ones used in most cases by Town Meeting to conduct its business. Experience shows that the Members should be familiar with these.

- ◆ **Adjourn:** Ends the sessions, can be moved at any time.
- ◆ **Recess:** Stops business for a short time, generally to resolve a procedural question or to obtain information.

- ♦ **Lay on the Table:** Stops debate with the intention generally of bringing the subject up again later. May also be used to defer action on an Article for which procedurally a negative vote is undesirable. Note that tabled motions die with adjournment.
- ♦ **Move the Previous Question:** Upon acceptance by a two-thirds (2/3) vote, stops all debate and brings the subject to a vote. This is generally the main motion, or
- ♦ The most recent amendment, unless qualified by the mover. The reason for this as provided in Robert's Rules of Order is to allow for other amendments should they wish to be presented.
- ♦ **Amend:** Offers changes to the main motion. Must be in accordance with the motion and may not substantially alter the intent of the motion. In accordance with Robert's Rules of Order, only one primary and one secondary motion will be allowed on the floor at one time, unless specifically accepted by the Moderator.
- ♦ **Indefinitely Postpone:** Disposes of the Article without a yes or no vote.
- ♦ **Take from the Table:** Brings back a motion which was previously laid on the table.
- ♦ **Main Motion:** The means by which a subject is brought before the Meeting.

THE FOLLOWING MOTIONS MAY BE USED BY A MEMBER FOR THE PURPOSE NOTED:

- ♦ **Question of Privilege:** Sometimes used to offer a resolution. Should not be used to "steal" the floor.
- ♦ **Point of Order:** To raise a question concerning the conduct of the Meeting.
- ♦ **Point of Information:** To ask for information relevant to the business at hand.

MULTIPLE MOTIONS
SUBSEQUENT (MULTIPLE) MOTIONS

If the subsequent motion to be offered, as distinct from an amendment made during debate, includes material which has previously been put to a vote and defeated, it will be viewed by the Moderator as reconsideration and will not be accepted. If the subsequent motion contains distinctly new material which is within the scope of the Warrant Article, then it will be accepted. An example of this latter situation is successive line items of an omnibus budget moved as a block.

SUBJECT TO THE FOLLOWING CONSIDERATIONS

- ♦ The maker of any proposed multiple motion shall make their intent known, and the content of the motion to be offered shall be conveyed to the Moderator - prior to the initial calling of the Warrant Article.
- ♦ Once an affirmative vote has been taken on the motion then on the floor - no further subsequent alternative motions will be accepted. (Obviously does not apply to the budget, for example.)

- ◆ Also - There can only be one motion on the floor at any one time. You have the ability to offer amendments to the motion that is on the floor. You also have the ability to move for reconsideration.

TOWN OF READING BYLAWS

ARTICLE 2: TOWN MEETINGS

2.1 General

Section 2.1.1

The Annual Town Meeting shall be held on the third Tuesday preceding the second Monday in April of each year for the election of Town Officers and for other such matters as required by law to be determined by ballot. Notwithstanding the foregoing, in any year in which presidential electors are to be elected, the Board of Selectmen may schedule the commencement of the Annual Town Meeting for the same date designated as the date to hold the Presidential Primary.

Section 2.1.2

The polls for the Annual Town Meeting shall be opened at 7:00 a.m. and shall remain open until 8:00 p.m.

Section 2.1.3

All business of the Annual Town Meeting, except the election of such Town officers and the determination of such matters as required by law to be elected or determined by ballot, shall be considered at an adjournment of such meeting to be held at 7:30 p.m. on the second Monday in April, except if this day shall fall on a legal holiday, in which case the Meeting shall be held on the following day or at a further adjournment thereof.

Section 2.1.4

A Special Town Meeting called the Subsequent Town Meeting shall be held on the second Monday in November,

except if this day shall fall on a legal holiday, in which case the Meeting shall be held on the following day.

The Subsequent Town Meeting shall consider and act on all business as may properly come before it except the adoption of the annual operating budget.

Section 2.1.5

Adjourned sessions of every Annual Town Meeting after the first such adjourned session provided for in Section 2.1.3 of this Article and all sessions of every Subsequent Town Meeting, shall be held on the following Thursday at 7:30 p.m. and then on the following Monday at 7:30 p.m. and on consecutive Mondays and Thursdays, unless a resolution to adjourn to another time is adopted by a majority vote of the Town Meeting Members present and voting.

Section 2.1.6

The Board of Selectmen shall give notice of the Annual, Subsequent or any Special Town Meeting at least fourteen (14) days prior to the time of holding said Meeting by causing an attested copy of the Warrant calling the same to be posted in one (1) or more public places in each precinct of the Town, and either causing such attested copy to be published in a local newspaper or providing in a manner such as electronic submission, holding for pickup, or mailing, an attested copy of said Warrant to each Town Meeting Member.

Section 2.1.7

All Articles for the Annual Town Meeting shall be submitted to the Board of Selectmen not later than 8:00 p.m. on the fifth Tuesday preceding the date of election of Town officers unless this day is a holiday in which case the following day shall be substituted.

All Articles for the Subsequent Town Meeting shall be submitted to the Board of Selectmen not later than 8:00 p.m. on the fifth Tuesday preceding the Subsequent Town Meeting in which action is to be taken, unless this day is a holiday, in which case the following day shall be substituted.

Section 2.1.8

The Board of Selectmen, after drawing a Warrant for a Town Meeting, shall immediately deliver a copy of such Warrant to each Member of the Finance Committee, the Community Planning and Development Commission, the Bylaw Committee and the Moderator.

2.2 Conduct of Town Meetings

Section 2.2.1

In the conduct of all Town Meetings, the following rules shall be observed:

Rule 1: A majority of the Town Meeting Members shall constitute a quorum for doing business.

Rule 2: All Articles on the Warrant shall be taken up in the order of their arrangement in the Warrant, unless otherwise decided by a majority vote of the Members present and voting.

Rule 3: Prior to debate on each Article in a Warrant involving the expenditure of money, the Finance Committee shall advise the Town Meeting as to its recommendations and the reasons therefore.

Rule 4: Prior to a debate on each Article in a Warrant involving changes in the Bylaw or Charter, petitions for a special act, or local acceptance by Town Meeting of a State statute, the Bylaw Committee shall advise the Town Meeting as to its recommendations and reasons therefore.

Rule 5: Every person shall stand when speaking, shall respectfully address the Moderator, shall not speak until recognized by the Moderator, shall state his name and precinct, shall confine himself to the question under debate and shall avoid all personalities.

Rule 6: No person shall be privileged to speak or make a motion until after he has been recognized by the Moderator.

Rule 7: No Town Meeting Member or other person shall speak on any question more than ten (10) minutes without first obtaining the permission of the Meeting.

Rule 8: Any non-Town Meeting Member may speak at a Town Meeting having first identified himself to the Moderator. A proponent of an Article may speak on such Article only after first identifying himself to the Moderator and obtaining permission of Town Meeting to speak. No non-Town Meeting Member shall speak on any question more than five (5) minutes without first obtaining the permission of the Meeting. Non-Town Meeting Members shall be given the privilege of speaking at Town Meetings only after all Town Meeting Members who desire to speak upon the question under consideration have first been given an opportunity to do so.

Rule 9: Members of official bodies who are not Town Meeting Members shall have the same right to speak, but not to vote, as Town Meeting Members on all matters relating to their official bodies.

Rule 10: No speaker at a Town Meeting shall be interrupted except by a Member making a point of order or privileged motion or by the Moderator.

Rule 11: Any person having a monetary or equitable interest in any matter under discussion at a Town Meeting and any person employed by another having such an interest, shall disclose the fact of his interest or his employer's interest before speaking thereon.

Rule 12: The Moderator shall decide all questions of order subject to appeal to the meeting, the question on which appeal shall be taken before any other.

Rule 13: When a question is put, the vote on all matters shall be taken by a show of hands, and the Moderator shall declare the vote as it appears to him. If the Moderator is unable to decide the vote by the show of hands, or if his decision is immediately questioned by seven (7) or more members, he shall determine the question by ordering a standing vote and he shall appoint tellers to make and return the count directly to him. On request of not less than twenty (20) members, a vote shall be taken by roll call.

Rule 14: All original main motions having to do with the expenditure of money shall be presented in writing, and all other motions shall be in writing if so directed by the Moderator.

Rule 15: No motion shall be received and put until it is seconded. No motion made and seconded shall be withdrawn if any Member objects. No amendment not relevant to the subject of the original motion shall be entertained.

Rule 16: When a question is under debate, no motion shall be in order except (1) to adjourn, (2) to lay on the table or pass over, (3) to postpone for a certain time, (4) to commit, (5) to amend, (6) to postpone indefinitely or (7) to fix a time for terminating debate and putting the question, and the afore-

said several motions shall have precedence in the order in which they stand arranged in this Rule.

Rule 17: Motions to adjourn (except when balloting for offices and when votes are being taken) shall always be first in order. Motions to adjourn, to move the question, to lay on the table and to take from the table shall be decided without debate.

Rule 18: The previous question shall be put in the following form or in some other form having the same meaning:

"Shall the main question now be put?," and until this question is decided all debate on the main question shall be suspended. If the previous question be adopted, the sense of the meeting shall immediately be taken upon any pending amendments in the order inverse to that in which they were moved except that the largest sum or the longest time shall be put first, and finally upon the main question.

Rule 19: The duties of the Moderator and the conduct and method of proceeding at all Town Meetings, not prescribed by law or by rules set forth in this Article, shall be determined by rules of practice set forth in Town Meeting Time Third Edition except that to lay on the table shall require a majority vote.

Section 2.2.2

It shall be the duty of every official body, by a Member thereof, to be in attendance at all Town Meetings for the information thereof while any subject matter is under consideration affecting such official body.

Section 2.2.3

All committees authorized by Town Meeting shall be appointed by the Moderator unless otherwise ordered by a vote of the Members present and

voting. All committees shall report as directed by the Town Meeting. If no report is made within a year after the appointment, the committee shall be discharged unless, in the meantime, the Town Meeting grants an extension of time. When the final report of a committee is placed in the hands of the Moderator, it shall be deemed to be received, and a vote to accept the same shall discharge the committee but shall not be equivalent to a vote to adopt it.

Section 2.2.4 Motion to Reconsider

2.2.4.1 A motion to reconsider any vote must be made before the final adjournment of the Meeting at which the vote was passed but such motion to reconsider shall not be made at an adjourned meeting unless the mover has given notice of his intention to make such a motion, either at the session of the meeting at which the vote was passed or by written notice to the Town Clerk within twenty-four (24) hours after the adjournment of such session.

When such motion is made at the session of the meeting at which the vote was passed, said motion shall be accepted by the Moderator but consideration thereof shall be postponed to become the first item to be considered at the next session unless all remaining Articles have been disposed of, in which case reconsideration shall be considered before final adjournment. There can be no reconsideration of a vote once reconsidered or after a vote not to reconsider. Reconsideration may be ordered by a vote of two-thirds (2/3) of the votes present.

Arguments for or against reconsideration may include discussion of the motion being reconsidered providing such discussion consists only of relevant facts or arguments not previously presented by any speaker.

2.2.4.2 The foregoing provisions relating to motions to reconsider shall not apply to any such motion made by the Board of Selectmen and authorized by the Moderator as necessary for the reconsideration of actions previously taken by Town Meeting by reason of State or Federal action or inaction or other circumstances not within the control of the Town or Town Meeting.

In the event such a motion to reconsider is made and authorized, said motion may be made at any time before the final adjournment of the Meeting at which the vote was passed, said motion may be made even if the vote was already reconsidered, or was the subject of a vote not to reconsider and reconsideration may be ordered by a vote of two-thirds (2/3) of the votes present.

2.2.4.3 Notice of every vote to be reconsidered at an adjourned Town Meeting shall be posted by the Town Clerk in one (1) or more public places in each precinct of the Town as soon as possible after adjournment, and he shall, if practicable, at least one (1) day before the time of the next following session of said Adjourned Meeting, publish such notice in some newspaper published in the Town.

Said notice shall include the vote to be reconsidered and the place and time of the next following session of said Adjourned Meeting. The foregoing notice provisions shall not apply when a motion to reconsider any Town Meeting action is made publicly at Town Meeting before the adjournment of any session of any Adjourned Town Meeting.

Section 2.2.5

The Selectmen shall, at each Annual Town Meeting, give to the Members information of the State of the Town.

Section 2.2.6

The Town Meeting Members and Town Meeting Members-Elect from each precinct shall hold an annual precinct meeting after the Annual Town Election but before the convening of the business sessions of the Annual Town Meeting.

The purpose of the meeting shall be the election of a Chairman and a Clerk and to conduct whatever business may be appropriate. Chairman shall serve no more than six (6) consecutive years in that position. Additional precinct meetings may be called by the Chairman or by a petition of six (6) Town Meeting Members of the precinct.

Section 2.2.7 **Removal of Town Meeting Members**

2.2.7.1 The Town Clerk shall mail, within thirty (30) days after the adjournment sine die of a Town Meeting, to every Town Meeting Member who has attended less than one half (1/2) of the Town Meeting sessions since the most recent Annual Town Election, a record of his attendance and a copy of Section 2-6 of the Charter.

2.2.7.2 Town Meeting Members of each precinct shall consider at a precinct meeting to be conducted in accordance with Section 2.2.6 of these Bylaws and Section 2-6 of the Charter, preceding the consideration of the Article placed upon the Annual Town Meeting Warrant in accordance with Section 2-6 of the Charter, the names of Town Meeting Members in that precinct appearing on said Warrant Article and adopt recommendations to Town Meeting as to what action should be taken regarding each such Member. The Chairman of each precinct or his designee shall make such recommendations along with supporting evidence and rationale to Town Meeting.

2.2.7.3 The names of the Members subject to removal in accordance with Section 2-6 of the Charter shall be grouped by precinct in the Warrant Article required by said Section.

Section 2.2.8 **Meetings During Town Meeting**

No appointed or elected board, commission, committee or other entity of Town Government shall schedule or conduct any hearing, meeting or other function during any hours in which an Annual, Subsequent or Special Town Meeting is in session or is scheduled to be in session.

Any such board, commission or committee which schedules or holds a meeting or hearing on the same calendar day but at a time prior to a session of Town Meeting shall adjourn or recess not less than five (5) minutes prior to the scheduled session of Town Meeting.

Any Board, Commission or Committee may, at the opening of any session of Town Meeting, present to that Town Meeting an instructional motion requesting an exemption from this Bylaw and asking that Town Meeting permit it to meet at a date and hour at which a future session of Town Meeting is scheduled and may present reasons for Town Meeting to give such permission.

Notwithstanding the foregoing, any board, commission or committee which meets the requirements of Section 23B of Chapter 39 of the General Laws concerning emergency meetings may, upon meeting such requirements, conduct such a meeting or hearing at a time scheduled for a Town Meeting.



**Town of Reading
16 Lowell Street
Reading, MA 01867-2685**

**FAX: (781) 942-9070
Website: www.readingma.gov**

**TOWN CLERK
(781) 942-9050**

Town Meeting Handout Guidelines

To ensure that all Town Meeting members have access to the same information, distributed in the same manner, please follow the below listed guidelines for handout materials:

Materials that are prepared by a Town Board / Committee / Town Department must include the following:

- Article name and number
- Name of Town Board / Committee / Commission or Town Department
- Date the document was created
- Contact Information
- Approval of Town Clerk's Office

Materials that are prepared by petitioners or other voters must include the following:

- Article name and number
- Contact information of person who created handout
- Date the document was created
- Approval of Town Clerk's Office

All handouts:

- Must contain facts only unless specifically stating "This is the opinion of ____"
- Should be on white paper only
- Should be double-sided copies if more than one page
- May be distributed only by giving adequate copies for all Town Meeting members (192) to the Town Clerk or designee by 6:30 PM on the night in which the subject article will be discussed
- All handouts not approved will be removed and recycled
- All handouts not distributed must be picked up at the end of each night or they will be recycled at the end of each night.

All PowerPoint Presentations:

- Must consult with the Town Clerk before the meeting
- Provide a copy before the meeting
- All presentations will be given using the Town of Reading laptop computer

February of 2010